

of pension to Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 19739) granting an increase of pension to Henry D. Miner—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19740) for the relief of Martin Ball, heir of Stephen Ball, deceased—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 19741) granting a pension to Walter E. Fitzpatrick—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 19742) for the relief of the estate of George E. House, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19743) granting an increase of pension to W. P. McMichael—to the Committee on Pensions.

Also, a bill (H. R. 19744) granting an increase of pension to George C. H. Hummel—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19745) granting an increase of pension to Charles M. Asbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19746) granting an increase of pension to John Halestock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19747) granting an increase of pension to H. M. Beardsley—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19705) granting an increase of pension to Francis M. Glasscock, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Washington Camp, No. 677, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ANDREWS: Petition of F. A. Stewart and others, of Roswell and Hagerman, N. Mex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of A. J. Byles, asking an appropriation to assist the State of New Jersey in marking the Princeton battlefields—to the Committee on Appropriations.

Also, petition of C. C. Kirkland, master of Grange No. 1305, of Girard, Pa., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James Jackson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Lewis H. Way—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of William H. Burns, asking for an increase of pension—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Philip Jones—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Williamsport and Union Township, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOVENER: Paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the New York Retail Grocers' Union, for an increase of salaries of tea examiners to \$5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, favoring a 10 per cent duty on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Joseph B. Pettey—to the Committee on Invalid Pensions.

Also, petition of the Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of citizens of Rus-

siaville, Ind., and vicinity, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of C. C. Bryan—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the New York Retail Grocers' Union, favoring a duty of 10 per cent on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for increasing the pay of tea examiners to \$5,000 per annum—to the Committee on Ways and Means.

By Mr. MCCARTHY: Petition of the faculty of the University of Nebraska, favoring measures calculated to attract students from China and Japan to study the institutions and laws of the United States—to the Committee on Foreign Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of the estate of George E. House—to the Committee on War Claims.

By Mr. RYAN: Petition of the New York Retail Grocers' Union, favoring an increase of salaries of tea inspectors to \$5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Papers to accompany bill granting a pension to George C. H. Hummel, and to accompany bill granting a pension to N. P. McMichael—to the Committee on Pensions.

By Mr. SMYSER: Petition of citizens of Coshocton, Ohio, and Sanford Woods et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

MONDAY, May 28, 1906.

Prayer by Rev. JOSHUA STANSFIELD, of Indianapolis, Ind.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

The VICE-PRESIDENT. The Journal stands approved.

DOCUMENTS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending the printing of a compilation of documents relating to the affairs of Cuba and of Porto Rico, the Philippine Islands, and other insular possessions made by the Bureau of Insular Affairs during the past five years; which was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Grove Baptist Church, of Fauquier County, Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 584) for the relief of David H. Moffat.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 5539. An act for the relief of the State of Rhode Island;
H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Landahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to Wilson H. McCune;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials; and

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 609. An act granting an increase of pension to Horace H. Sickels;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 1206. An act granting an increase of pension to Allen Crow;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 1507. An act granting an increase of pension to Henry D. Jordan;

H. R. 1689. An act granting an increase of pension to William A. Bailor;

H. R. 2053. An act granting an increase of pension to Annie A. Townsend;

H. R. 2223. An act granting an increase of pension to John A. Blanton;

H. R. 2229. An act granting an increase of pension to Lytle McCracken;

H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;

H. R. 2714. An act granting an increase of pension to Charles H. Charles;

H. R. 2759. An act granting an increase of pension to Daniel Eaton;

H. R. 2867. An act granting an increase of pension to Leah Bedford;

H. R. 3238. An act granting an increase of pension to Samuel Hartley;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 3724. An act granting an increase of pension to Samuel Likens;

H. R. 4397. An act granting an increase of pension to John M. Byers;

H. R. 4647. An act granting an increase of pension to David C. Austin;

H. R. 4885. An act granting an increase of pension to James Hennon;

H. R. 4887. An act granting an increase of pension to John F. Brown;

H. R. 4891. An act granting an increase of pension to George W. Swadley;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 5534. An act granting an increase of pension to James T. Sanderson, alias Sanderson;

H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5707. An act granting an increase of pension to John P. Veach;

H. R. 5834. An act granting an increase of pension to Ethan A. Willey;

H. R. 6181. An act granting an increase of pension to Fayette E. Ford;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;

H. R. 6423. An act granting an increase of pension to Levi A. Canfield;

H. R. 6510. An act granting an increase of pension to Richard A. Roberts;

H. R. 6893. An act granting a pension to Augusta C. Reichburg;

H. R. 6900. An act granting an increase of pension to John Rawlins;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 7539. An act granting an increase of pension to David H. Hair;

H. R. 7543. An act granting an increase of pension to Prior M. Pavy;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7683. An act granting an increase of pension to James Ross;

H. R. 7763. An act granting a pension to James S. King;

H. R. 7910. An act granting an increase of pension to Nicholas Karns;

H. R. 8285. An act granting an increase of pension to Daniel Sharpley;

H. R. 8291. An act granting an increase of pension to Daniel S. Chase;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 8903. An act granting an increase of pension to John W. Dawes;

H. R. 8920. An act granting an increase of pension to Andrew J. Lane;

H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;

H. R. 9159. An act granting an increase of pension to John S. McClary;

H. R. 9838. An act granting an increase of pension to Joseph Fergerson;

H. R. 9841. An act to correct the military record of James H. Davis;

H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;

H. R. 10031. An act granting an increase of pension to Martin Haley;

H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;

H. R. 10280. An act granting an increase of pension to James Spencer;

H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;

H. R. 10356. An act granting an increase of pension to Martin B. Doty;

H. R. 10394. An act granting an increase of pension to John Behymer;

H. R. 10474. An act granting an increase of pension to Lewis F. Davis;

H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;

H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 10902. An act granting an increase of pension to James Holderby;

H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 11072. An act granting an increase of pension to William T. Hosley;

H. R. 11100. An act granting an increase of pension to John Browne;

H. R. 11217. An act granting an increase of pension to Jordan H. Banks;

H. R. 11422. An act granting an increase of pension to George B. True;

H. R. 11655. An act granting an increase of pension to Theodore Cole;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 11811. An act granting an increase of pension to John Kamerer;

H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;

H. R. 12347. An act granting an increase of pension to Samuel Palmer;

H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 13032. An act granting an increase of pension to Stewart McKeney;

H. R. 13058. An act granting an increase of pension to Thomas J. Baum;

H. R. 13466. An act granting an increase of pension to Albert H. Bradish;

H. R. 13609. An act granting an increase of pension to Charles H. Guile;

H. R. 13631. An act granting an increase of pension to James H. Morrill;

- H. R. 13652. An act granting an increase of pension to William O. Tobey;
 H. R. 13836. An act for the relief of Taylor Ware;
 H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
 H. R. 13967. An act granting a pension to Sophie M. Staab;
 H. R. 13998. An act granting an increase of pension to John J. C. Barnwell;
 H. R. 14107. An act granting an increase of pension to Isaac Maines;
 H. R. 14323. An act granting an increase of pension to Thomas Thornton;
 H. R. 14345. An act granting an increase of pension to Peter Noblet;
 H. R. 14505. An act granting an increase of pension to John L. Clifton;
 H. R. 14544. An act granting an increase of pension to William A. Carroll;
 H. R. 14554. An act granting an increase of pension to John Welch;
 H. R. 14558. An act granting an increase of pension to Martha L. Wood;
 H. R. 14705. An act granting an increase of pension to Alva Beebe;
 H. R. 14774. An act granting an increase of pension to Levi M. Hall;
 H. R. 14798. An act granting a pension to Lucinda Brady;
 H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
 H. R. 14930. An act granting a pension to Mary Whisler;
 H. R. 15063. An act granting an increase of pension to Henry W. Brown;
 H. R. 15105. An act granting an increase of pension to Jacob Shell;
 H. R. 15502. An act granting an increase of pension to Harman Houck;
 H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
 H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
 H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
 H. R. 15674. An act granting an increase of pension to Susan Campbell;
 H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
 H. R. 16371. An act granting an increase of pension to Peter Eberts;
 H. R. 16399. An act granting an increase of pension to James H. Warford;
 H. R. 16571. An act granting an increase of pension to Mary L. Overley;
 H. R. 16613. An act granting an increase of pension to William C. Fox;
 H. R. 16620. An act granting a pension to Jackson Adkins;
 H. R. 16836. An act granting an increase of pension to David C. Winebrenner;
 H. R. 16973. An act granting an increase of pension to John H. Smith;
 H. R. 17102. An act granting a pension to Katherine Studert;
 H. R. 17271. An act granting an increase of pension to James D. Taylor;
 H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
 H. R. 17393. An act granting an increase of pension to George S. Green;
 H. R. 17603. An act granting an increase of pension to George E. Yager;
 H. R. 17632. An act granting an increase of pension to John Frick;
 H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
 H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
 H. R. 17705. An act granting an increase of pension to John A. Lovens;
 H. R. 17780. An act granting a pension to Caroline E. Perry;
 H. R. 17809. An act granting a pension to William Barrett;
 H. R. 17896. An act granting an increase of pension to James K. Dickinson;
 H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
 H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
 H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
 H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
 H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
 H. R. 18324. An act granting a pension to Charles H. Lunger;
 H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
 H. R. 18384. An act granting an increase of pension to James F. Young;
 H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
 H. R. 18409. An act granting an increase of pension to Joel Gay;
 H. R. 18428. An act granting an increase of pension to James L. Gamble;
 H. R. 18433. An act granting an increase of pension to William Wentz;
 H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
 H. R. 18462. An act granting an increase of pension to Samuel Dalley;
 H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
 H. R. 18504. An act granting an increase of pension to James T. Rambo;
 H. R. 18523. An act granting an increase of pension to Hugh Reid;
 H. R. 18587. An act granting a pension to Catherine Bausman;
 H. R. 18609. An act granting an increase of pension to Henry Delong;
 H. R. 18623. An act granting an increase of pension to John H. Bradbury;
 H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
 H. R. 18631. An act granting an increase of pension to Daniel Whalen;
 H. R. 18656. An act granting an increase of pension to George W. Gordon;
 H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
 H. R. 18720. An act granting an increase of pension to Ella Donnal;
 H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;
 H. R. 18732. An act granting a pension to James J. Christie;
 H. R. 18764. An act granting an increase of pension to Mary M. Stone;
 H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
 H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
 H. R. 18790. An act granting an increase of pension to James Murphy;
 H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
 H. R. 18829. An act granting an increase of pension to William Fox;
 H. R. 18833. An act granting an increase of pension to Henry Horton;
 H. R. 18836. An act granting an increase of pension to John N. Burton;
 H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
 H. R. 18876. An act granting an increase of pension to Lemuel Hand;
 H. R. 18888. An act granting an increase of pension to Samuel Lambert;
 H. R. 18896. An act granting an increase of pension to Samuel Smith;
 H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
 H. R. 18901. An act granting an increase of pension to John E. English;
 H. R. 18903. An act granting an increase of pension to Julia A. Abney;
 H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
 H. R. 18905. An act granting an increase of pension to Samuel H. Davis;
 H. R. 18911. An act granting an increase of pension to Frances Becker;
 H. R. 18954. An act granting an increase of pension to John E. Minnick;
 H. R. 18956. An act granting an increase of pension to Joseph Scattergood;

H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
 H. R. 18997. An act granting an increase of pension to Josephine Hardester;
 H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;
 H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
 H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
 H. R. 19025. An act granting an increase of pension to Milton McFarland;
 H. R. 19026. An act granting an increase of pension to Mary Navy;
 H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
 H. R. 19047. An act granting an increase of pension to Susan C. Smith;
 H. R. 19053. An act granting an increase of pension to John T. Heaney;
 H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
 H. R. 19068. An act granting an increase of pension to William Adams;
 H. R. 19099. An act granting an increase of pension to Columbus Cox;
 H. R. 19120. An act granting a pension to Eliza E. Whitley;
 H. R. 19121. An act granting an increase of pension to Isaac Overton;
 H. R. 19128. An act granting a pension to Alexander McAlister;
 H. R. 19130. An act granting an increase of pension to Larsey Bolt;
 H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;
 H. R. 19179. An act granting an increase of pension to Eliza A. Smith;
 H. R. 19217. An act granting an increase of pension to William H. Burns;
 H. R. 19220. An act granting an increase of pension to Calvin Corsine;
 H. R. 19221. An act granting an increase of pension to Emma Byles;
 H. R. 19222. An act granting an increase of pension to Catherine Warnock;
 H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
 H. R. 19242. An act granting an increase of pension to Anthony W. Miller;
 H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;
 H. R. 19253. An act granting an increase of pension to Charles H. Thompson;
 H. R. 19255. An act granting an increase of pension to John Bradford;
 H. R. 19262. An act granting an increase of pension to John Wickline;
 H. R. 19272. An act granting an increase of pension to Alice Morrill;
 H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;
 H. R. 19279. An act granting an increase of pension to Peter Cramer;
 H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;
 H. R. 19305. An act granting an increase of pension to Almus Harrington;
 H. R. 19351. An act granting an increase of pension to William C. Mankin;
 H. R. 19364. An act granting an increase of pension to Anna Ring;
 H. R. 19408. An act granting an increase of pension to Elisha Brown;
 H. R. 19457. An act granting an increase of pension to Charles H. Prince; and
 H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 16672. An act to punish the cutting, chipping, or boxing of trees on the public lands;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 17114. An act to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory; and

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Baldwin-Miller Company, of Indianapolis, Ind., praying for the enactment of legislation to prohibit the importation, exportation, or carriage in interstate commerce of falsely or spurious stamped articles of merchandise made of gold and silver or their alloys, and for other purposes; which was ordered to lie on the table.

He also presented a petition of the General Conference of the Methodist Episcopal Church South, of Birmingham, Ala., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the territory on the Isthmus of Panama under the control of the United States; which was referred to the Committee on Inter-oceanic Canals.

He also presented a memorial of the International Brotherhood of Locomotive Engineers, of Memphis, Tenn., remonstrating against the adoption of a certain amendment to the so-called "employers' liability bill;" which was ordered to lie on the table.

Mr. PLATT presented a petition of Local Union, American Federation of Musicians, of Albany, N. Y., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Military Affairs.

He also presented a petition of the New York Retail Grocers' Union, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of tea examiners; which was referred to the Committee on Appropriations.

He also presented a petition of the Mindoka Settlers' Association, of Heyburn, Idaho, praying for the enactment of legislation providing for the subdivision of lands entered under the reclamation act; which was referred to the Committee on Public Lands.

He also presented a petition of the New York Retail Grocers' Union, of New York City, N. Y., praying for the enactment of legislation to remove the duty on tea imported into Canada from the United States; which was referred to the Committee on Finance.

Mr. CLAPP presented petitions of 6,802 women of the State of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HEMENWAY presented petitions of 8,341 women of the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented petitions of 3,265 citizens of the State of New Hampshire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PERKINS presented a petition of the Merchants' Exchange of San Francisco, Cal., praying for the enactment of legislation granting a drawback on building materials imported for use in that city; which was referred to the Committee on Finance.

Mr. MORGAN presented petitions of 801 women of the State of Alabama, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented petitions of 14,862 women of the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the Woman's Missionary Society of Point Breeze and Pittsburg, Pa., praying for

the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 250 citizens of Norristown, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of 250 citizens of Norristown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of citizens of Coatesville, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. BLACKBURN presented petitions of 2,703 women of the State of Kentucky, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. SIMMONS presented petitions of 2,098 women of the State of North Carolina, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ELKINS presented a petition of Parkersburg Chapter, No. 385, United Daughters of the Confederacy, of Parkersburg, W. Va., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

INTERSTATE TRANSPORTATION OF INTOXICATING LIQUORS.

Mr. CARMACK. I present the petition of John O. Smith, O. C. Brown, and other citizens of Tennessee, praying for the passage of what is known as the "Hepburn-Dolliver bill" in regard to intoxicating liquors transported from one State to another State.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. CARMACK. If in order, I should like to know from some member of the Judiciary Committee what chance there is for an early report on that bill? I see that the chairman of the committee is present.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. CARMACK. I ask the Senator if he can tell me what chances there are for an early report on the bill known as the "Hepburn-Dolliver bill," now pending in the Judiciary Committee, in regard to intoxicating liquors.

Mr. CLARK of Wyoming. I will say to the Senator that that committee is holding daily sessions in an earnest endeavor to get out all the legislation now pending before it. That is as definite an answer as I can give the Senator.

Mr. CARMACK. The Senator can give me no certain information about this particular bill?

Mr. CLARK of Wyoming. I can give the Senator no definite information. I will state to the Senator that the committee held a regular session this morning; that numerous subcommittees were ready to report, and that their reports consumed the entire time. The committee will meet again to-morrow morning, at half past 10.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 1936) granting an increase of pension to Lorenzo W. Smith, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5148) granting an increase of pension to Mildred McCorkle, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2501) granting an increase of pension to Jessie E. Foster;

A bill (H. R. 18551) granting an increase of pension to William D. Drown;

A bill (H. R. 18862) granting an increase of pension to Joseph H. Weaver;

A bill (H. R. 18249) granting an increase of pension to Hiram G. Hunt;

A bill (H. R. 18399) granting an increase of pension to Pauline Bietry;

A bill (H. R. 18400) granting an increase of pension to Elmira M. Gause;

A bill (H. R. 18402) granting an increase of pension to Lucy W. Powell;

A bill (H. R. 18073) granting an increase of pension to Mary McFarlane;

A bill (H. R. 17340) granting a pension to Julia Walz;

A bill (H. R. 17346) granting an increase of pension to Newton S. Davis;

A bill (H. R. 17891) granting an increase of pension to Eliza M. Buice;

A bill (H. R. 17935) granting an increase of pension to Andrew C. Woodard; and

A bill (H. R. 16662) granting an increase of pension to Van Buren Beam.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 3122) granting an increase of pension to E. C. Clark, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6272) granting an increase of pension to Harvey Gamble;

A bill (H. R. 18486) granting an increase of pension to William F. Walker;

A bill (H. R. 18542) granting an increase of pension to Sarah Ann Day;

A bill (H. R. 18319) granting an increase of pension to Newton Kinnison;

A bill (H. R. 17637) granting an increase of pension to Gardner K. Haskell;

A bill (H. R. 16915) granting an increase of pension to Orange Bugbee; and

A bill (H. R. 17210) granting an increase of pension to Daniel M. Vertner.

Mr. CULBERSON, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States; and

A bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States, reported it without amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 2887) granting increase of pensions to soldiers and widows of the Indian wars, under the acts of July 27, 1892, and June 27, 1902, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18469) granting an increase of pension to Samuel C. Dean;

A bill (H. R. 18794) granting an increase of pension to William C. McRoy;

A bill (H. R. 18795) granting an increase of pension to James E. Raney;

A bill (H. R. 18308) granting an increase of pension to Clay Riggs;

A bill (H. R. 18310) granting an increase of pension to Virgil A. Bayley;

A bill (H. R. 18356) granting an increase of pension to William A. Custer;

A bill (H. R. 18467) granting an increase of pension to Rudolph W. H. Swendt; and

A bill (H. R. 16812) granting an increase of pension to Dudley McKibben.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendment, and submitted reports thereon:

A bill (S. 6222) granting an increase of pension to John A. Alden;

A bill (S. 5810) granting an increase of pension to Thomas McGowan;

A bill (S. 4459) granting an increase of pension to Edwin K. Lamson; and

A bill (S. 6240) granting an increase of pension to John G. Fonda.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6192) granting an increase of pension to John Coker, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 6264) granting a pension to Cornelius Sullivan;
- A bill (H. R. 13149) granting an increase of pension to Ida L. Martin;
- A bill (H. R. 18678) granting an increase of pension to Evans P. Hoover;
- A bill (H. R. 18724) granting an increase of pension to Alfred Gude;
- A bill (H. R. 18239) granting an increase of pension to Bryant Brown;
- A bill (H. R. 18426) granting a pension to Elizabeth Hathaway;
- A bill (H. R. 8722) granting an increase of pension to Arthur M. Lee;
- A bill (H. R. 6120) granting a pension to Harriet M. Smithers;
- A bill (H. R. 18076) granting an increase of pension to Elizabeth Bartley;
- A bill (H. R. 17938) granting an increase of pension to Clarissa L. Dowling;
- A bill (H. R. 16595) granting a pension to James R. Hicks; and
- A bill (H. R. 17309) granting an increase of pension to John W. Chase.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 5684) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, reported it with amendments, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

- A bill (S. 4741) granting an increase of pension to Andrew J. Workman; and
 - A bill (S. 5898) granting a pension to Louisa A. Clark.
- Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
- A bill (H. R. 18572) granting an increase of pension to Allamanza M. Harrison;
 - A bill (H. R. 18651) granting an increase of pension to Elizabeth Thomas;
 - A bill (H. R. 19001) granting an increase of pension to Elizabeth A. McKay;
 - A bill (H. R. 18132) granting an increase of pension to John W. Blanchard;
 - A bill (H. R. 18357) granting an increase of pension to William E. Starr; and
 - A bill (H. R. 16998) granting an increase of pension to Elijah Curtis.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 7836) granting an increase of pension to Alexander G. Patton;
- A bill (H. R. 18505) granting an increase of pension to M. Belle May;
- A bill (H. R. 18560) granting an increase of pension to John Hamilton;
- A bill (H. R. 18930) granting an increase of pension to Eliza J. Mays;
- A bill (H. R. 17445) granting an increase of pension to William H. Farrell; and
- A bill (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

- A bill (H. R. 18561) granting an increase of pension to Jonathan Skeans; and
- A bill (H. R. 18116) granting an increase of pension to Green Evans.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 18030) making appropriations for

the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 5038) granting an increase of pension to James Richards;
- A bill (S. 6006) granting an increase of pension to William H. Crouch;
- A bill (H. R. 18633) granting an increase of pension to Jennie F. Belding;
- A bill (H. R. 18654) granting an increase of pension to Robert D. Gardner;
- A bill (H. R. 18655) granting an increase of pension to Leander Gilbert;
- A bill (H. R. 18746) granting an increase of pension to Isaac Howard;
- A bill (H. R. 18747) granting an increase of pension to William H. Colegate;
- A bill (H. R. 18184) granting an increase of pension to John J. Howells;
- A bill (H. R. 18243) granting an increase of pension to Jacob S. Rickard;
- A bill (H. R. 17590) granting an increase of pension to Jacob Woodruff;
- A bill (H. R. 17825) granting an increase of pension to Bolivar Ward;
- A bill (H. R. 17999) granting an increase of pension to Samuel Yehl;
- A bill (H. R. 16682) granting an increase of pension to William Hammond;
- A bill (H. R. 16977) granting an increase of pension to Isabel Newlin;
- A bill (H. R. 17170) granting an increase of pension to Jackson D. Turley; and
- A bill (H. R. 17171) granting an increase of pension to David H. Parker.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial, in Washington, D. C., reported it with amendments, and submitted a report thereon.

Mr. NIXON (for Mr. ANKENY), from the Committee on Irrigation, to whom was referred the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont., reported it without amendment, and submitted a report thereon.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (S. 6149) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes, reported it with an amendment.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 6041) granting an increase of pension to James N. Brown;
- A bill (S. 5877) granting an increase of pension to Charles O'Bryan;
- A bill (H. R. 18510) granting an increase of pension to Hugh R. Rutledge;
- A bill (H. R. 18524) granting an increase of pension to Julius Rector;
- A bill (H. R. 18821) granting an increase of pension to Eliza Jane Witherspoon;
- A bill (H. R. 18935) granting an increase of pension to Mima A. Boswell;
- A bill (H. R. 18355) granting an increase of pension to Rachel A. Webster;
- A bill (H. R. 18378) granting an increase of pension to Martha A. Dunlap;
- A bill (H. R. 17920) granting an increase of pension to Sallie E. Blanding;
- A bill (H. R. 17940) granting a pension to Rhett Florence Tilton; and

A bill (H. R. 16565) granting an increase of pension to George H. Gordon, alias Gorton.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18573) granting an increase of pension to John M. Quinton;

A bill (H. R. 18605) granting an increase of pension to William Lawrence;

A bill (H. R. 18822) granting an increase of pension to Sophia S. Parker;

A bill (H. R. 18236) granting an increase of pension to Thomas Garratt;

A bill (H. R. 18449) granting an increase of pension to Hannah R. Jacobs;

A bill (H. R. 18460) granting a pension to Benjamin F. Tudor;

A bill (H. R. 18374) granting an increase of pension to Isom Wilkerson; and

A bill (H. R. 17542) granting an increase of pension to John Cain.

BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 6291) for the relief of the heirs of John R. Savage, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6292) for the relief of the heirs of Lemuel Freeman, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6293) for the relief of Susan Seymour, heir of Edward H. Wade, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6294) granting a pension to Lizzie D. Newton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 6295) for the relief of the heirs of Thomas Miller, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6296) for the relief of the Shiloh Presbyterian Church, of Calhoun, Tenn.;

A bill (S. 6297) for the relief of the trustees of the Chickamauga Missionary Baptist Church, of Hamilton County, Tenn. (with accompanying papers); and

A bill (S. 6298) for the relief of Philip Cole and the estates of John D. Cole and Stephen W. Cole, deceased (with accompanying paper).

Mr. CULLOM introduced a bill (S. 6299) for the relief of Pollard & Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 6300) providing when patents shall issue to the purchasers of certain lands in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LONG introduced a bill (S. 6301) granting an increase of pension to William C. Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6302) for the relief of William Radcliffe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARNER (by request) introduced a bill (S. 6303) for the relief of Edward Cahalan; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 6304) for the relief of Thomas H. Reed; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally

read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6305) granting an increase of pension to Andrew J. Saulsbury; and

A bill (S. 6306) granting a pension to Ellen A. Corrie (with an accompanying paper).

Mr. GEARIN introduced a bill (S. 6307) granting an increase of pension to Cullen E. Cline; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6308) for the relief of William P. Wade (with an accompanying paper);

A bill (S. 6309) for the relief of the estate of John C. Russell, deceased (with an accompanying paper); and

A bill (S. 6310) for the relief of R. Z. Moss.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6311) for the relief of the estate of William A. Jeffries, deceased; and

A bill (S. 6312) for the relief of Nancy H. Jones (with an accompanying paper).

Mr. BURKETT introduced a bill (S. 6313) for the recognition of the military services of officers and enlisted men of certain State and Territorial military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 6314) for the relief of Martin Ball, heir of Stephen Ball, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 6315) granting an increase of pension to Joshua S. Gallaher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6316) for the relief of the trustees of the Presbyterian Episcopal Church at Keyser, formerly New Creek, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6317) for the relief of T. T. Ricketts and L. C. Ricketts; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6318) granting a pension to Lucy Keller (with accompanying paper); and

A bill (S. 6319) granting an increase of pension to Angus Fraser.

Mr. BRANDEGEE introduced a bill (S. 6320) authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at New London, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ELKINS introduced a joint resolution (S. R. 61) directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CARMACK introduced a joint resolution (S. R. 62) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment proposing to appropriate \$434.55 for the relief of Oscar Fulgham, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KEAN submitted an amendment proposing to appropriate \$1,983.06 to pay Durham W. Stevens, or his personal representatives, in satisfaction of his claim for services as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. MILLARD submitted an amendment proposing to appropriate \$25,000 to pay William Radcliffe for damages caused by the destruction of his fish hatchery and property in Delta, Colo., in 1901, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

AGRICULTURAL REPORTS.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

ACCOUNTS OF POSTMASTERS IN NORTH CAROLINA.

Mr. SIMMONS. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in North Carolina in terms between July 1, 1864, and July 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule, North Carolina.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of whole salary unpaid.
Abbottsburg.....	Alvin W. Osborn.....	1885	1872-1874	\$400	\$300	\$100
Do.....	C. T. Sashwell.....	1884	1870-1872	187	41	146
Albemarle.....	J. M. Bivins.....	1884	1868-1870	188	162	26
Ansonville.....	W. S. Smith.....	1886	1866-1868	173	80	93
Ashboro.....	Mrs. E. B. McCain.....	1886	1866-1868	200	120	80
Bath.....	S. L. Crmond.....	1886	1868-1870	30	10	20
Battleboro.....	Jacob Ing.....	1886	1868-1870	148	45	103
Do.....	Geo. T. Davis.....	1886	1866-1868	66	45	21
Belvidere.....	Josiah Nicholson.....	1885	1866-1868	78	20	58
Do.....	do.....	1885	1868-1870	117	78	39
Do.....	do.....	1885	1870-1872	137	117	20
Black Creek.....	Elizabeth Christmas.....	1885	1868-1870	105	82	23
Black Creek.....	Elizabeth Christmas.....	1885	1870-1872	153	105	48
Bladenboro.....	Mrs. Sarah J. Monroe.....	1886	1866-1868	62	20	42
Do.....	do.....	1886	1870-1872	70	30	40
Brenard.....	D. W. Lee.....	1886	1872-1874	110	82	28
Brinkleyville.....	Geo. A. Bridges.....	1886	1870-1872	50	24	26
Brookston.....	Henry Church.....	1884	1870-1872	67	24	43
Burnsville.....	Joshua Williams.....	1886	1866-1868	56	27	29
Do.....	do.....	1886	1868-1870	87	75	12
Cane Creek.....	D. L. Lindley.....	1884	1866-1868	28	24	4
Do.....	do.....	1884	1868-1870	43	28	15
Do.....	do.....	1884	1872-1874	60	39	21
Carey.....	J. W. Mullett.....	1885	1870-1872	130	36	94
Carthage.....	Mary M. Brookshire.....	1884	1866-1868	143	79	64
Do.....	do.....	1884	1868-1870	230	190	40
Do.....	do.....	1884	1872-1874	350	260	90
Castalia.....	W. P. Marshal.....	1884	1870-1872	80	36	44
Catawba.....	Mrs. E. A. Lomance.....	1884	1866-1868	154	132	22
Do.....	do.....	1884	1868-1870	200	168	32
Cedar Grove.....	John D. Corbin.....	1885	1870-1872	107	20	87
Cerro Gordo.....	Jas. Campbell.....	1886	1866-1868	72	40	32
Do.....	do.....	1886	1870-1872	92	44	48
Chapel Hill.....	John White.....	1884	1866-1868	1,100	980	120
Cherryville.....	J. W. Quinn.....	1885	1868-1870	60	10	70
Clayton.....	Jas. T. Pool.....	1885	1872-1874	180	90	90
Clinton.....	Jos. Bamford.....	1884	1870-1872	630	360	270
Do.....	J. W. Roberts.....	1884	1866-1868	314	260	54
Do.....	do.....	1884	1868-1870	560	360	200
Coal Springs.....	G. E. Shepherd.....	1886	1868-1870	75	27	48
Colerain.....	Bettie A. Henry.....	1884	1866-1868	158	16	142
Do.....	do.....	1884	1868-1870	216	178	38
Columbia.....	E. W. Parker.....	1886	1868-1870	90	18	72
Do.....	P. H. Wilkins.....	1886	1870-1872	136	24	112
Company Shops.....	G. D. Boon.....	1884	1868-1870	765	460	305
Do.....	Thomas Sellers.....	1884	1866-1868	385	100	285
Concord.....	John O. Wallace.....	1883	1870-1872	1,230	1,080	150
Do.....	do.....	1883	1872-1874	1,450	1,280	170
Do.....	do.....	1884	1866-1868	1,100	740	360
Dallas.....	E. C. Morris.....	1884	1864-1866	104	14	90
Do.....	Eli Pasour.....	1886	1868-1870	199	164	35
Do.....	do.....	1886	1870-1872	287	190	97
Davidson College.....	H. P. Helper.....	1884	1868-1870	562	280	272
Dudley.....	George H. Grantham.....	1886	1870-1872	270	215	55
Durham.....	D. C. Mangum.....	1884	1872-1874	1,000	700	300
Do.....	P. J. Mangum.....	1884	1866-1868	240	166	74
Do.....	do.....	1884	1868-1870	342	260	82
Do.....	do.....	1884	1870-1872	600	360	240
Eagle Mills.....	Jos. Cox.....	1884	1866-1868	68	40	28
Do.....	do.....	1884	1868-1870	69	58	11
East Bend.....	Evan Benbow.....	1886	1868-1870	65	42	23
Do.....	do.....	1886	1866-1868	15	15	0
Edenton.....	J. R. McCurdy.....	1884	1866-1868	1,020	820	200
Do.....	do.....	1884	1868-1870	1,250	1,120	130

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of whole salary unpaid.
Elizabeth City.....	W. A. Price.....	1884	1868-1870	.....	.....	\$64
Do.....	do.....	1884	1870-1872	\$1,700	\$1,168	532
Do.....	do.....	1884	1872-1874	2,250	2,000	250
Enfield.....	Louisa Wooten.....	1884	1866-1868	630	560	70
Do.....	do.....	1884	1868-1870	800	680	120
Do.....	do.....	1884	1870-1872	980	840	140
Faison.....	Mary E. Lindsey.....	1884	1868-1870	33	22	11
Do.....	do.....	1884	1872-1874	75	34	41
Falling Creek.....	L. J. Edwards.....	1884	1870-1872	100	24	76
Fish Dam.....	Grandison Philpott.....	1886	1868-1870	37	12	25
Flat Rock.....	Cephas Stradley.....	1885	1866-1868	123	20	103
Forestville.....	E. F. Wyatt.....	1886	1866-1868	414	240	174
Forks of Pigeon.....	Wm. S. Evans.....	1886	1868-1870	37	22	15
Do.....	do.....	1886	1870-1872	54	37	17
Franklin.....	A. J. McConnell.....	1885	1870-1872	235	181	54
Franklinville.....	E. Burgess.....	1884	1866-1868	125	90	35
Do.....	do.....	1884	1868-1870	136	124	12
Do.....	do.....	1884	1870-1872	155	136	19
Franklinton.....	Mrs. A. E. Furman.....	1886	1866-1868	578	460	118
Garysburg.....	Jas. D. Garis.....	1886	1870-1872	.....	.....	50
Gatesville.....	Alonzo Green.....	1884	1870-1872	200	78	122
Do.....	do.....	1884	1872-1874	250	220	30
Do.....	E. J. Brady.....	1884	1866-1868	86	32	54
Germantown.....	S. E. Benton.....	1885	1866-1868	101	60	41
Gold Hill.....	John C. Snuggs.....	1884	1866-1868	114	86	28
Do.....	do.....	1884	1870-1872	150	134	16
Goldsboro.....	H. L. Grant.....	1884	1866-1868	2,300	1,740	560
Do.....	do.....	1884	1868-1870	2,831	2,400	431
Do.....	do.....	1884	1872-1874	3,800	3,200	600
Graham.....	J. W. Harden.....	1886	1870-1872	630	500	130
Do.....	do.....	1886	1872-1874	750	680	70
Do.....	J. B. McMurray.....	1884	1868-1870	485	380	105
Grantville.....	A. L. Logan.....	1885	1870-1872	.....	.....	60
Greenville.....	Jno. Congleton.....	1884	1866-1868	456	320	136
Do.....	do.....	1884	1870-1872	630	540	90
Hallfax.....	Nich Fitz Patrick.....	1884	1866-1868	840	740	100
Do.....	Mrs. Mary Webb.....	1884	1870-1872	930	820	110
Hamilton.....	W. W. Gardiner.....	1884	1870-1872	300	196	104
Happy Home.....	Miss L. C. Connelly.....	1884	1870-1872	108	24	84
Harrells Store.....	Jas. W. Bland.....	1886	1866-1868	46	28	18
Do.....	do.....	1886	1870-1872	68	48	20
Harrellsville.....	N. L. Shaw.....	1884	1866-1868	88	52	36
Do.....	do.....	1884	1868-1870	131	96	35
Do.....	do.....	1884	1870-1872	176	156	20
Do.....	do.....	1884	1872-1874	202	182	20
Haw River.....	J. E. Randieman.....	1886	1866-1868	190	76	114
Do.....	John Bason.....	1886	1870-1872	230	166	64
Do.....	do.....	1886	1872-1874	300	260	40
Hayes Store.....	J. D. Hays.....	1884	1872-1874	.....	.....	50
Haywood.....	John B. Drake.....	1886	1870-1872	94	66	28
Hendersville.....	Wesley M. Justis.....	1884	1866-1868	140	34	106
Do.....	do.....	1884	1870-1872	380	320	60
Do.....	do.....	1884	1872-1874	475	400	75
Do.....	T. C. Blanchard.....	1886	1868-1870	466	380	86
Hertford.....	W. J. Skinner.....	1884	1866-1868	200	43	157
Do.....	T. J. Elliott.....	1886	1870-1872	610	466	144
Hickory Tavern.....	Wm. H. Ellis.....	1884	1868-1870	285	142	143
Do.....	do.....	1884	1870-1872	460	320	140
Highpoint.....	Eli Denny.....	1885	1866-1868	640	520	120
Do.....	do.....	1885	1868-1870	778	620	158
Hillsboro.....	Dennis Heartt.....	1885	1866-1868	1,296	1,180	116
Do.....	H. H. Strayborn.....	1886	1872-1874	1,500	1,280	220
Holly Grove.....	F. M. Lawson.....	1886	1868-1870	47	18	29
Jackson.....	Jos. Copeland.....	1884	1866-1868	250	90	160
Jacobs Fork.....	F. R. Beck.....	1886	1868-1870	37	30	7
Do.....	do.....	1886	1870-1872	62	37	25
Jamestown.....	Minerva T. Mendenhall.....	1884	1870-1872	365	339	26
Janesville.....	E. H. Bailey.....	1885	1866-1868	140	40	100
Jefferson.....	Frank Harden.....	1886	1872-1874	.....	.....	75
Jonesboro.....	S. H. Buchanan.....	1885	1872-1874	500	366	134
Do.....	Thomas Rollins.....	1884	1866-1868	277	20	257
Joyner's Depot.....	Geo. W. Griffin.....	1886	1866-1868	280	146	134
Do.....	do.....	1886	1868-1870	329	240	89
Kernersville.....	John T. Kerner.....	1886	1868-1870	68	26	42
Kittrell.....	Mary E. Overton.....	1884	1866-1868	427	320	107
Do.....	Jas. C. Reid.....	1884	1872-1874	560	480	80
Lagrange.....	Martha Cox.....	1884	1870-1872	340	272	68
Lake Landing.....	Bannister Midyett.....	1886	1868-1870	72	38	34
Do.....	do.....	1886	1870-1872	111	72	39
Laurelsprings.....	Wyatt Ross.....	1886	1868-1870	25	12	13
Do.....	do.....	1886	1866-1868	22	8	14
Do.....	do.....	1886	1870-1872	42	24	18
Leachburg.....	C. H. Holland.....	1886	1866-1868	30	10	20
Leasburg.....	S. B. Paylor.....	1885	1866-1868	160	50	110
Do.....	do.....	1885	1868-1870	196	172	24
Do.....	Benj. F. Stanfield.....	1885	1870-1872	218	193	25
Leicester.....	John Carpenter.....	1886	1866-1868	50	10	40
Do.....	do.....	1886	1868-1870	144	32	112
Do.....	do.....	1886	1870-1872	256	144	112
Lenoir.....	M. E. Shell.....	1884	1868-1870	524	420	104
Do.....	Clinton A. Cilley.....	1884	1866-1868	300	120	180
Do.....	R. B. Bogle.....	1886	1872-1874	760	600	160
Lylesville.....	W. H. Barnwell.....	1885	1866-1868	90	24	66
Lincolnton.....	Mrs. H. E. Bonar.....	1884	1866-1868	670	480	190
Do.....	Jas. H. Marsh.....	1884	1870-1872	880	720	160
Littleton.....	Jas. M. Newson.....	1884	1866-1868	256	110	146
Do.....	do.....	1884	1868-1870	430	380	50
Do.....	do.....	1884	1870-1872	550	440	110
Lockville.....	D. S. Burns.....	1884	1870-1872	122	24	98
Locust Hill.....	Martha F. Paschal.....	1886	1868-1870	62	54	8

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Locust Hill	Martha F. Paschal	1886	1870-1872	\$83	\$62	\$21
Louisburg	S. E. Jones	1886	1866-1868	890	720	170
Do	do	1886	1872-1874	772	700	72
Madison	M. S. Black	1884	1866-1868	244	140	104
Do	do	1884	1868-1870	327	260	67
Do	do	1884	1870-1872	390	327	63
Manson	A. Smith	1885	1868-1870	196	46	150
Do	do	1885	1870-1872	245	200	45
Marion	Jas. McCormick	1884	1866-1868	159	80	79
Do	W. F. Craig	1884	1872-1874	380	280	100
Marshall	A. B. Sams	1886	1866-1868	92	46	46
Melvanesville	Stephen White	1884	1866-1868	556	500	56
Do	do	1884	1870-1872	600	520	80
Merry Oak	W. T. Gunter	1884	1870-1872	38	16	22
Do	do	1884	1872-1874	70	42	28
Milton	S. W. Taylor	1885	1866-1868	370	275	95
Do	do	1885	1868-1870	471	400	71
Monroe	A. N. Lawson	1886	1868-1870	276	200	76
Do	do	1886	1872-1874	400	300	100
Mooreville	W. A. Wilson	1886	1870-1872	100	24	76
Mooshawnee	Joe F. Seawell	1886	1868-1870	9	2	7
Do	do	1886	1870-1872	12	9	3
Morgantown	J. E. McElrath	1884	1866-1868	565	400	165
Mount Airy	Jas. H. Sparger	1885	1868-1870	154	110	44
Do	do	1885	1870-1872	425	220	205
Mount Gilead	Mary McLenden	1886	1870-1872	60	38	22
Do	do	1886	1868-1870	38	24	14
Mount Pleasant	A. Foil	1886	1872-1874	200	172	28
Do	L. A. Leffler	1885	1866-1868	93	26	67
Mulberry	Wm. B. Siegrist	1886	1868-1870	40	10	30
Murfreesboro	Jas. M. Trader	1884	1872-1874	770	680	90
Do	M. E. Trader	1884	1866-1868	629	560	69
Do	do	1884	1868-1870	693	629	64
Murphy	J. D. Abbott	1886	1870-1872	220	186	34
Do	do	1886	1872-1874	300	240	60
Nahunta	W. E. Fountain	1886	1868-1870	160	24	136
Nashville	J. W. Harper	1884	1866-1868	120	20	100
Nease	Robert N. Wynne	1885	1872-1874	50	20	30
Newport	J. B. Mann	1886	1866-1868	79	40	39
Do	do	1886	1870-1872	176	114	62
Newton	Miss H. E. Bost	1885	1866-1868	280	180	100
Do	do	1885	1868-1870	370	320	50
North Brook	O. B. Jenks	1886	1868-1870	45	34	11
Do	do	1886	1870-1872	88	34	54
Old Fort	W. J. Lowther	1886	1868-1870	367	10	357
Orange Factory	S. W. Holman	1886	1866-1868	40	27	13
Do	do	1886	1868-1870	41	30	11
Do	do	1886	1870-1872	51	41	10
Do	do	1886	1872-1874	85	51	34
Otter Creek	S. Mitchell	1884	1868-1870	37	18	19
Oxford	Bettie G. Jones	1884	1866-1868	960	700	260
Do	do	1884	1868-1870	1,070	940	130
Do	do	1884	1870-1872	1,250	1,040	210
Pacific	John Young, jr.	1884	1870-1872	125	108	17
Do	do	1884	1872-1874	165	130	35
Palmyra	Edward P. Hyman	1886	1870-1872	60	24	36
Do	do	1886	1872-1874	100	72	28
Pantego	S. S. Latham	1884	1868-1870	86	40	46
Do	do	1884	1872-1874	135	93	42
Pekin	Margaret McKenzie	1886	1868-1870	28	22	6
Do	do	1886	1870-1872	86	37	49
Pine Level	T. G. Hinnant	1886	1866-1868	44	14	30
Do	do	1886	1868-1870	50	38	12
Pleasant Hill	Benj. Brewer	1884	1866-1868	106	42	64
Do	do	1884	1868-1870	132	106	26
Poplar Branch	Benj. F. Taylor	1886	1868-1870	21	10	11
Do	do	1886	1870-1872	48	21	27
Red Bank	Elias H. Paul	1886	1870-1872	80	52	28
Do	do	1886	1872-1874	60	13	47
Reidsville	S. F. Terry	1884	1866-1868	266	54	212
Do	do	1884	1868-1870	378	340	38
Do	do	1884	1870-1872	520	400	120
Richards	Zachariah Pittman	1886	1866-1868	100	32	68
Rich Square	W. H. Burgess	1885	1866-1868	152	66	86
Do	Jas. W. Conner	1884	1870-1872	89	69	20
Ridgeway	A. S. Webb	1884	1872-1874	500	460	40
Do	L. T. Watkins	1884	1868-1870	380	148	232
Ringwood	Hardy Pitts	1885	1868-1870	96	40	56
Rockingham	Wm. S. Foulkes	1885	1868-1870	718	340	378
Do	do	1885	1870-1872	997	718	279
Do	do	1885	1872-1874	1,200	1,020	180
Do	M. V. Terry	1884	1866-1868	140	81	59
Rocky Mount	Mrs. E. V. Fountain	1884	1868-1870	479	400	79
Roxboro	Elizabeth Wiles	1884	1866-1868	190	132	58
Do	do	1884	1868-1870	249	200	49
Roxobel	Mrs. M. C. Cox	1886	1866-1868	84	16	68
Do	do	1886	1868-1870	136	84	52
Rufin	Mrs. S. T. Strader	1885	1870-1872	290	236	54
Rutherfordton	A. D. Wallace	1884	1868-1870	500	400	100
St. John	Richard T. Weaver	1886	1868-1870	33	10	23
Salem	A. T. Lively	1884	1866-1868	1,500	1,240	260
Sandy Grove	Louis Hornaday	1886	1866-1868	24	10	14
Do	do	1886	1870-1872	24	18	6
Scotland Neck	J. L. Ware	1886	1868-1870	440	146	294
Scottville	W. G. Lane	1886	1866-1868	24	10	14
Do	do	1886	1868-1870	32	24	8
Do	do	1886	1872-1874	60	46	14
Seppernong	Thos. J. Bassnight	1884	1870-1872	300	130	70
Selma	Mary Hood	1886	1868-1870	280	198	82

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Selma	Mary Hood	1886	1872-1874	\$350	\$300	\$50
Shaws Mills	R. P. Shaw	1886	1866-1868	54	32	22
Shelby	John L. Moore	1885	1868-1870	250	210	40
Do	W. W. Green	1885	1868-1870	100	84	16
Do	do	1885	1870-1872	520	408	112
Do	do	1885	1872-1874	650	580	70
Do	do	1885	1866-1868	337	184	153
Shoe Heel	O. S. Hayes	1886	1866-1868	357	196	161
Do	do	1886	1868-1870	525	340	185
Smithfield	W. D. Stanley	1884	1868-1870	242	150	92
Do	Mrs. P. T. Morning	1886	1868-1870	.....	.....	.....
Do	do	1886	1870-1872	.....	.....	.....
Smithville	Chas. H. Legg	1884	1870-1872	440	340	100
Do	do	1884	1872-1874	500	440	60
Snow Hill	Catharine A. Potter	1884	1870-1872	156	100	56
South Mills	John O. Kelley	1885	1870-1872	200	164	36
Do	Henrietta Jacobs	1884	1866-1868	130	76	54
Statesville	J. C. Anderson	1881	1866-1868	731	520	211
Do	do	1884	1868-1870	1,014	900	114
Do	do	1884	1870-1872	1,220	1,013	207
Do	do	1885	1872-1874	1,650	1,340	310
Swan Station	O. M. Barkley	1886	1870-1872	65	20	45
Do	J. M. Cameron	1886	1872-1874	95	80	15
Thomasville	E. H. McCutchen	1885	1866-1868	550	380	170
Trap Hill	A. C. Bryan	1884	1868-1870	49	34	15
Do	do	1884	1872-1874	40	32	8
Vienna	Philip Mock	1886	1868-1870	24	2	22
Wadesboro	Wm. I. Patrick	1885	1872-1874	750	600	150
Do	Marion E. Patrick	1884	1866-1868	337	220	117
Do	do	1884	1868-1870	451	380	71
Wallace	David E. Boney	1885	1866-1868	63	23	35
Do	do	1885	1868-1870	115	64	51
Do	do	1885	1870-1872	148	94	54
Washington	S. F. Stille	1885	1872-1874	2,000	1,600	400
Do	Wm. Ebon	1884	1866-1868	1,100	620	480
Weldon	John H. Reimpo	1884	1866-1868	990	660	330
Whitesville	H. C. Moffit	1884	1868-1870	330	220	110
Do	do	1884	1870-1872	430	300	70
Wilkesboro	J. B. Simonton	1885	1872-1874	280	240	40
Williamston	A. Jackson	1886	1866-1868	350	140	210
Wilson	M. C. Daniels	1884	1866-1868	873	210	663
Do	do	1884	1870-1872	1,748	1,240	508
Do	do	1884	1872-1874	2,200	1,790	410
Windsor	Capt. F. W. Bell	1885	1866-1868	312	187	125
Do	Ann P. Bell	1884	1872-1874	695	580	95
Winston	W. W. Allea	1884	1870-1872	300	144	156
Do	do	1884	1872-1874	.....	.....	.....
Winton	A. J. Northcott	1886	1866-1868	95	45	50
Do	do	1886	1868-1870	310	148	162
Woodville	Mrs. P. Hill	1884	1870-1872	124	24	100
Yadkin College	H. T. Phillips	1884	1872-1874	58	27	31
Yanceyville	Thos. J. Brown	1884	1868-1870	176	100	76

Mr. PENROSE. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads.
The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 25:

S. 6128. An act to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company.

On May 26:

S. 1739. An act granting a pension to Henry Sistrunk;

S. 5670. An act granting an increase of pension to Isaac L. Dugger;

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service;

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 6022. An act to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900;

S. 5131. An act incorporating the Archaeological Institute of America; and

S. 5513. An act to provide for the disposition of certain property in the Territory of Hawaii.

On May 28:

S. 6129. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

PURCHASE OF MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. HALE. I move that the Senate proceed to the consideration of the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Mr. PENROSE. I ask that the joint resolution be read for information.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. PENROSE. I should like to ask the Senator from Maine whether he expects the joint resolution to lead to any extended debate. I am heartily in favor of the measure just read, but I had intended to call up to-day the bill making appropriations for the expenses of the Post-Office Department. I shall have to leave Washington at the end of this week, to be gone for a week or ten days. If the joint resolution is, as I have been informed, likely to lead to a long and desultory discussion, extending over a day, or it may be two days, I can not give the Senate any assurance that I can be present myself to present the Post-Office appropriation bill before the middle of June. If the Senate is willing to go on with the bill in charge of some other member of the Committee on Post-Offices and Post-Roads, I shall not object, but, of course, personally I would prefer to be here and to be in a position to expalin to the Senate any items or any questions which may arise in connection with the bill.

Mr. HALE. Mr. President, it is very important that the joint resolution should be considered. It was reported last week, and on the request of some Senators went over. It ought to be passed. I can not control the Senate or control the debate. I see the force of passing the appropriation bills, but if I can get up the joint resolution, then I will see. I do not expect to occupy the day upon it, but we will see how it runs.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. MORGAN. I object to its consideration.

Mr. HALE. I move, then, that the Senate proceed to its consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that the Senate proceed to the consideration of the joint resolution which has been read.

Mr. PENROSE. Do I understand that the joint resolution will be subject to objection if it becomes evident that it is going to lead to continued discussion extending over a day or so?

Mr. HALE. I have stated that if I find it leads to a long debate and interferes with appropriation bills I shall not ask that it occupy the time of the Senate, although it is a very important measure.

Mr. PENROSE. Then I withdraw any opposition to proceeding to its consideration.

Mr. HALE. Let us go on with it for a time and see how it runs.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Mr. HALE. The Senator from Maryland [Mr. RAYNER] will take the floor.

Mr. RAYNER. Mr. President, I should like to have the joint resolution read again. It is very short.

The Secretary again read the joint resolution.

Mr. RAYNER. I shall occupy the Senate only about ten minutes or so upon this measure.

Mr. GALLINGER. Will the Senator from Maryland yield to me?

Mr. RAYNER. Certainly.

Mr. GALLINGER. I offer the following amendment to follow the text of the joint resolution.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the joint resolution the following words:

Carriage of such material shall be exclusively in American vessels, unless the President shall deem the rates asked by American vessel owners unreasonable or extortionate.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Certainly.

Mr. MALLORY. Is it in order to offer an amendment to the joint resolution?

The VICE-PRESIDENT. There is an amendment pending, just offered by the Senator from New Hampshire.

Mr. HALE. I ask the Senator from New Hampshire to withhold his amendment for the present.

Mr. GALLINGER. I will do so, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire withholds his amendment.

Mr. MALLORY. I send up an amendment and ask that it be read for information.

The VICE-PRESIDENT. The Secretary will read the amendment sent to the desk by the Senator from Florida.

The SECRETARY. Strike out the words "extortionate or" in line 7 of the joint resolution.

The VICE-PRESIDENT. The Senator from Maryland will proceed.

Mr. RAYNER. Mr. President, I do not think I would occupy the time of the Senate at all if it were not for the fact that one of the largest corporations in the State of Maryland is the beneficiary of the joint resolution, and as I am opposed to the measure, I thought it proper under the circumstances to give my reasons for opposing it.

The Maryland Steel Company is located in the State of Maryland. It is a great industry, employing many mechanics and workmen in the prosecution of its business, and we are all, in the city and State that I have the honor in part of representing upon this floor, deeply interested in its success and prosperity. I am inclined to think that upon the ground set forth in the Senate document that has been reported with this resolution it should have been awarded the contract therein referred to. I believe that upon the merits it is entitled to this contract, and that upon a careful calculation it will be found that the cost to the Government would ultimately have been less if the offer of this company had been accepted. I desire particularly to advert to the fact that if these seagoing dredges are built in a foreign country it will be doubtful whether it is permissible under the law to use them in the waters of the United States, if they last beyond the period of the construction of the canal, while if they are built in the United States they can be of subsequent service to the Government. If this resolution passes, the contract for the dredges will be awarded to the Maryland Steel Company, as it is conceded to be the lowest American bidder.

I can not, however, vote for the resolution. I can not change the principles in which I believe and for which I have contended during the whole of my public career for the purpose of securing a contract for an enterprise in my State, or because it confers a benefit upon its citizens. I have always advocated the doctrine that the people of this country have the right to purchase every article of consumption in the cheapest and most desirable markets of the world, and I must apply to the Government the same rule that I apply to its citizens. It is impossible for me to shape my political principles or policies according to two different standards and to advocate for the advantage of my own State a governmental principle inconsistent with the principle that I contend for in every other State of the Union.

It is true that the tariff is not directly involved in this discussion, but the theory upon which it rests is indirectly and collaterally affected. I have always favored a tariff for revenue and not a tariff for protection. I have been against a prohibitive tariff, because it compels the consumer to purchase in a home market at any price that may dictated to him by the monopoly that manufactures the product and controls the supply. The principle is the same in this case. The money of the Government is the money of the people. We have no right to take the money of the people and expend it in a market where it possesses the smallest amount of purchasing power. This is robbing the Treasury, and however important the advantage may be to my constituency, it is impossible for me to abandon a great principle upon any such paltry ground as this. The Democratic party, in my opinion, can not afford to do so unless it is prepared to go down to its irretrievable defeat and doom.

The American Protective Tariff League, in an article which I send to the desk and ask to have read, has strongly indorsed this scheme.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

That materials and supplies used in the construction and equipment of the Panama Canal should be furnished by American industry and labor, and not by foreigners, is the emphatic judgment of the employers of this country.

Three thousand of these employers, represented in the eleventh annual convention of the National Association of Manufacturers, have appealed to the Congress of the United States to order and direct that the people who are to pay for the canal shall have the first call in

providing the necessities for building and operating the canal. The appeal takes the form of the following resolution, unanimously adopted May 15, 1906:

"Whereas the Panama Canal, one of the greatest public enterprises of modern times, will be constructed and equipped by the United States Government, and paid for with American dollars drawn from American labor and industry: Be it

"Resolved, That the National Association of Manufacturers, in annual convention assembled at New York City, earnestly requests that American materials be exclusively used in the construction and equipment of the canal."

It is beyond question that this request voices the sentiment of the producing interests of the United States. When we say "producing interests" we include the men who work for wages as well as the men who pay wages.

Employed and employers are equally concerned in having the \$500,000,000 that will probably be spent in the next twenty years in constructing a sea-level canal paid to American labor and not to foreign labor.

They want that \$500,000,000 kept in this country, and distributed back into American channels of trade.

They do not want any part of that \$500,000,000 of American money sent abroad for materials and supplies that can and should be furnished at home.

They do not, for example, want the United States Government to buy dredges in Scotland or cement in Germany, even though, because of lower wages, the Scotch dredges may be bought a little cheaper; even though the lower freight charges of foreign steamship lines may enable the Germans to underbid American cement makers.

It is the people's money that is to pay for these things, and the people want their own money paid out among themselves.

Congress has the power to grant this request. It can be done easily by adding to the canal appropriation bill the following brief amendment:

"Provided, That no part of the money herein appropriated shall be expended for supplies and materials purchased outside of the United States."

This is what the resolution of the National Association of Manufacturers means.

This is what the producers and the wage-earners of the country want. The Secretary of War, persistently intent upon "buying in the cheapest market," awaits the instructions of Congress.

There should be no hesitation and no delay on the part of Congress in instructing the Secretary of War to buy in the American market exclusively. (From the American Economist, Friday, May 25, 1906.)

Mr. RAYNER. Mr. President, I stand upon an entirely different platform from the American Protective Tariff League, and can not join hands with it, even if by so doing I could benefit every industry in the country. In this article it is stated that \$500,000,000 will be expended in the construction of the canal and its equipment.

Some time ago the executive committee of the Isthmian Canal Commission concluded to purchase in the open market the materials and ships necessary for the building of the Panama Canal. The committee, as I understand it, came to the conclusion that upon an average 50 per cent more would be charged here for materials needed in canal construction than the price at which the same materials could be purchased in Europe. At that time Chief Engineer Wallace claimed that several more ships were necessary for the work to carry supplies and materials to the canal, in addition to those running between New York and Colon and owned by the Panama Railroad Company. The statement was made at that time publicly that the Secretary of War had said that while he could purchase two 6,000-ton ships in Europe for \$750,000, it would cost \$1,400,000 to build such ships here. It was also stated that the Commission had decided that by reserving to themselves the right to purchase in the world's markets, it would at least oblige American manufacturers to give them the benefit of their foreign prices if they desired to sell the supplies and articles necessary for the construction of the canal and the prosecution of this work.

The effect of this joint resolution will be that perhaps \$100,000,000 of money will be wrung as a tribute from the people to increase the profits of our protected industries.

It is therefore not a question whether the dredges referred to shall be purchased either in Scotland or in the United States. It is a much more comprehensive subject than this. This resolution closes to the Government of the United States every market in the world, with the exception of the home market, in connection with these enormous expenditures. We do not know how the President stands in relation to this matter. It has been claimed all along that he was in favor of purchasing the material and equipment for the canal, other things being equal, in the market where they could be purchased the cheapest. It is earnestly hoped that he has not changed his mind in reference to this matter, and that he is not now, either tacitly or by active participation, lending his aid to the passage of this resolution. Let this be as it may. I care not who may favor it. I raise my voice and enter my protest against the imposition of such an unnecessary and unjustifiable burden upon the American people as is contemplated by this measure.

The bond between the protected beneficiaries and the Treasury of the United States should be broken. The contract between them should long since have expired by limitation. This is a renewal in a new form of this unholy combination. It announces the doctrine that the Government of the United States has the right

to take the hard-earned savings of the people collected by taxation and still further enrich its protected favorites. It is said it is in the interest of the wage-earners of the country. I deny it. It is claimed that the consumers of the country will profit by it. I deny it. It is an attack upon the rights of the people for the benefit of their financial oppressors. It is in the interest of the American Protective Tariff League, which, notwithstanding the respectable membership that composes it, represents every monopoly upon the American continent that is plundering the homes of the American people.

I can not remain silent and permit such a doctrine to be ingrafted upon our institutions without announcing my unalterable opposition to it. It embodies a policy that has enslaved the consumers of this country, and, feeling as I do, I shall fight it at every step wherever it makes its appearance until the hour arrives when the partnership between this Government and monopoly shall be dissolved and the people shall be liberated and disenthralled.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator—

Mr. BERRY. The Senator from Florida [Mr. MALLORY] offered an amendment, I think, which is pending.

The VICE-PRESIDENT. The Senator from Florida is not present at the moment.

Mr. BERRY. He offered an amendment to strike certain words out of the joint resolution.

The VICE-PRESIDENT. The Senator from Florida sent his amendment to the desk to be read; but he did not formally offer it.

Mr. MORGAN. Mr. President, I hope some way can be found by which the people of the United States shall enjoy what I venture to call the "monopoly" of furnishing products and materials of every kind for the construction of the canal at Panama. It is due to them, because we have entered upon a great altruistic work for the benefit of the nations of the earth, as we say, forgetting, I think very much too readily, to measure those advantages and benefits by the necessity and by the policy of the people and the Government of the United States, including a vast burden of taxation. In our sentiments and in our views on this subject we are going quite too far, in my judgment, either for safety or for the purpose of winning reputation for generosity in the minds of sensible people throughout the world. I think that every great nation in the world expects the United States Government to take care of its people as its first duty; and I am very anxious, in regard to the material, machinery, and supplies which are needed for the Panama Canal, that our people shall have the right and privilege of supplying such material, if it can be done by a proper arrangement of our own legislation. I think that is quite easy; but there is such a rush in the United States in the direction of conferring unlimited, uncontrollable, and almost unimaginable powers upon the President of the United States in regard to the construction of this canal that I despair, at present at least, to do more than merely make some suggestions, which I think worth while to be considered by the Senate of the United States. They may go for nothing now, but after a while they may answer a good purpose.

When France, contrary to our resolutions voted in this House and in the other House on more than one occasion, actually participated in the construction of the Panama Canal by authorizing the application of a lottery bond scheme, which is one of the general policies of that Government, by the old Panama Canal Company, which was also extended to the new company—a provision of law in France, Mr. President, that violated every resolution that the Government of the United States had ever adopted on the subject of our rightful control of that canal.

France enacted, as a condition or a part of that grant of authority and right, a provision that all the machinery that should be used in the construction of the works of the canal should be manufactured in France, and a further provision that all the material to be imported into Panama for the purpose of constructing the canal should have its origin in some French possession. France thought it was necessary to violate her duty to the United States Government by enacting this law; to throw a challenge in our faces that they thought we were afraid to meet, and I fear we were afraid to meet it.

France found no difficulty in her national policy or constitution in arriving at the power to make these provisions. Spain has never found any difficulty in her constitution and laws in arriving at the power to make such provisions; but when we come to the Government of the United States we have a Government of laws based on a Constitution, which is an ordinance or a law that is expected to be followed out by the acts of Congress in respect of all national matters and to every possible

extent. It has been supposed that we have, by copying the act of 1803, for which Mr. Jefferson was responsible, and applying it to the Canal Zone, conferred unlimited powers on the President of the United States to enact laws for the government of that Zone; and he has gone on in the use and in the abuse of that power, and has enacted a number of laws there which the Congress of the United States would not dare to enact. No member of this body would venture to propose in this body any such laws as the President of the United States and the Canal Commission have enacted in that Zone. I will cite one of them—I will not quote it, but I call attention to it. The Congress of the United States would not undertake to enact a law for the banishment of a citizen of the United States from any part of our territory, whether it is under statehood or whether it is Territorial or whether it was a sort of territorial appendix. No member of Congress would get up here and propose a bill in this body by which the governor of the Canal Zone should have the right, and it should be made his duty, to banish men from the Canal Zone who are citizens of the United States, or even inhabitants, occupants, or denizens. No member of this body would undertake to propose the enactment of such a law as that; and yet the President has required the Canal Commission to enact such a law, and it is on the statute book there and has been frequently used, and men have been banished from that Zone without a hearing, without any trial, without a summons or warrant or any cause shown, except the judgment of the governor of the Zone that such a person was an improper person or a dangerous person to be there.

Mr. President, it may surprise some of my political brethren in the Senate when I shall announce my firm and sober conviction that such a law on the Zone is an absolute necessity. We can never control the Canal Zone with that law absent from its statutes; and yet the President of the United States can not enact it; Congress can not enact it.

What are we to do, then, in order to get things in such a shape that any such law can be enacted and can be enforced, which, as I have just observed, is absolutely indispensable to the peace, safety, and welfare of that Zone? We have got to contrive in that Zone some situation, some form of legal authority, some entity, where such a law as that can have full force and effect and can not be interrupted by a writ of habeas corpus, or by any other such motion that the citizen might make whenever he is arrested and taken into custody or ordered off the Zone. Is it possible under our own system of government and under our precedents that we have very frequently established and very frequently enforced to put that Zone in such a condition as that such a law as I have indicated would not only be constitutional, but in every respect justifiable? I maintain that it is.

There is a doctrine in the United States that in times of peace the civil authority of this Government is paramount to the military power. When a national state of war supervenes, by the declaration of Congress that doctrine is changed to suit certain localities and certain conditions where it is necessary that the military law shall be paramount. We all know, without quoting instances, how very frequently that doctrine has been applied throughout the United States and all of its possessions in time of public war. Can such a condition as that exist in time of peace? That is the question. It certainly can, Mr. President, in a certain locality; that is to say, in a military reservation, and it can not exist anywhere else in the United States. Within a military reservation the military law is paramount, but the civil law can be permitted to have its full sway except as to that one proposition, the paramountcy of the military law. If the Canal Zone were declared to be a military reservation of the United States, every institution of civil government that obtains there can be maintained in its full force and vigor in the presence of such a declaration, but the power to which I have adverted, of banishing a man from a military reservation, will exist there and be in full force and effect in a military reservation, notwithstanding the presence within that Zone of all the civil functions that are necessary for the execution of the purposes of the Government of the United States in this great work that we are trying to conduct there.

The first element of safety in the Zone is obedience to authority on the part of persons of every rank and condition who are there present. Obedience to civil authority can be secured there by appealing to certain courts that the Commission have established, even extending to an appellate court on appeal from the circuit courts—three of which exist, and the circuits are defined by that law.

The civil powers, to the extent that they are granted in the Zone, are just as complete as they are in the District of Columbia or in any State in the American Union. Yet over all of this there is the supremacy of the military power, by which and

under which alone the President of the United States and his subordinates, clothed with authority by him, can take a man in that Zone, banish him from it, and forbid his ever returning. So that the conditions now exist in the Zone as I have described them. They are not otherwise; they are not different from the description I am now giving, as to the actual conditions that obtain there.

There, then, Mr. President, is a Territory of the United States—I call it a Territory of the United States upon the highest possible authority, because it has been frequently held and stated both by Governor Magoon, by Secretary Taft, and by other lawyers who have looked over the subject, that our rights in the Canal Zone are as perfect as our rights are to the island of Porto Rico itself, except that we have not got there what is called a technical political supremacy, something that I am unable to define, something that I am unable even to conceive of. Our rights in the Zone are quite as perfect under the Hay-Varilla treaty as they are in Porto Rico, or in the Philippine Islands, or anywhere else. We have, in virtue of those rights, established there what is in fact, but not in name, or not by the declaration of Congress, a military reservation, and in that reservation we exercise these powers.

There are certain necessary provisions of law to be made by somebody in regard to the conduct of business in that Zone—the purchase of material and supplies of every kind. That is one of the elementary and necessary prerequisites for doing any work at all in the Zone. What law shall obtain in respect of the purchase of these supplies for that Zone—materials, machinery, etc.? Such laws as Congress shall enact within its powers under the Constitution of the United States.

I do not make any question, Mr. President, that the Congress of the United States can enact a law that arms and munitions of war imported from a foreign country might enter into a military reservation of the United States without taxation, nor do I imagine that in passing laws of that kind we would make the slightest impression upon the general tariff system of the United States.

The tariff system of the United States is intended for the support of the Government of the United States, and all the regulations and restrictions that are imposed in the Constitution upon the method of levying, assessing, and collecting these taxes have reference to the revenues of the United States and only to that. In this military reservation at Panama—I call it such because that is what it is—the Government of the United States will not attempt, and does not attempt, to collect revenue for its support. It is as clearly excluded from that idea of taxation for the support of the Government of the United States as if it were on the planet Mars. They have no relation to each other at all; but the Government of the United States has got the right to levy and assess taxes, whether upon imports or exports, if you please, or upon the people or upon the property in that Zone. For what purpose? For the purpose of providing for the support of the Zone itself, the support of civil and military law within the Zone.

Mr. President, we have the power to levy such taxes in that Zone upon property imported, and we have levied them upon property imported and upon property held there, real and personal. We have levied it upon vocations, such as carrying on distilleries and keeping rum shops. We collect a steady revenue from these sources right there in the Zone, and the distilleries and the rum shops are conducted within 50 yards of the chapels which we have also erected there for the worship of the Almighty.

We have exercised a great deal of power there, as much as has been exercised, according to my limited reading, by any autocrat in any part of the world. We are exercising those powers now. The statutes are all displayed on the statute books of the Commission. The report of the Isthmian Canal Commission shows every statute. Each one is numbered. Each one is passed through the legislative body there under certain parliamentary rules which have been observed; they have received the approval of the President of the United States, and they have become laws. I have referred to just a few of them merely for the purpose of showing how much power we are exercising there.

Beyond that, the Secretary of War has made a provision—which is not perhaps to be considered as a final and conclusive provision of law; that is to say, it can be revoked upon the will and consent of either of the parties concerned—but he has arranged a tariff between Panama and the Zone. He has demarked ports there—ports of entry for the United States and ports of entry for Panama—and has provided that property not intended exclusively for the United States, but property that may enter in consumption at large within the Zone, shall pass through the Panama ports and shall not pay a duty exceeding

10 per cent, Panama getting the benefit of the duty, and it goes into her treasury. That is the law of the Zone. It is as much the law as any other law on the statute book there, and it is being executed to-day.

We have made other arrangements there, by the same officer, with the banks in Panama to control the rates of exchange, to control the supply of money, and to pay the laborers in the Canal Zone through the banks of Panama. We have made arrangements in regard to the sale of provisions to the laborers within the Zone whereby the Panama merchants have a virtual monopoly of the sale of provisions, unless it turns out that, in the opinion of the governor or the Isthmian Canal Commission, they are crowding matters too heavily and charging too much, in which event we claim the right to withdraw from that agreement and set up an establishment of our own.

I am not here now, Mr. President, to complain of these arrangements, although I think in some respects they are exceedingly unfortunate and in some they are very questionable, but I am illustrating now my proposition as to what law obtains in that Zone. I find there a 10 per cent duty levied upon all articles for consumption that go into the Zone under the requirement that they shall pass through the Panama ports and shall pay that duty to Panama. After they have paid that duty, then, of course, commerce is free between the Zone and the State of Panama, just as it is between Alabama and Mississippi. I am describing situations as they exist, Mr. President. I am not making any argument for the purpose of distorting the situation in the slightest degree.

Mr. MONEY. Will the Senator permit me to ask him a question for information?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. MORGAN. Yes.

Mr. MONEY. I am being instructed by the remarks of the Senator from Alabama, as I always am when I have the honor to hear him. He remarked a while ago that the laws there were on the statute book plainly to be read. I presume he meant the laws of the legislature of Panama?

Mr. MORGAN. Oh, no.

Mr. MONEY. The Senator did not mean that?

Mr. MORGAN. I mean the legislation of the Isthmian Canal Commission.

Mr. MONEY. They have their statutes?

Mr. MORGAN. They have their code of statutes—a very good code.

Mr. MONEY. Enacted by whom?

Mr. MORGAN. Enacted by the Isthmian Canal Commission and most of them drawn up by a Panama lawyer.

Mr. MONEY. That is it?

Mr. MORGAN. Yes. Mr. President, this situation presented to the Senate of the United States is satisfactory to me as a *modus vivendi*, as a method of living, as a necessary condition upon which affairs of great moment in Panama can possibly be conducted. I say it is satisfactory to me, because it appears that the Congress of the United States will not permit anything better to be done. They intend to surrender all the powers of control of every kind and character, including the salaries of officers, to the President of the United States. I do not expect, Mr. President, to throw myself in the way of that flood—disastrous as it is—of legislation that we have been indulging here since the Panama Canal Zone was instituted. I do not expect to do anything so vain and foolish as to resist and to claim that the Congress of the United States shall, after all, maintain some power in the exercise of authority in the Zone. But I am describing conditions as they exist.

How would I apply, under existing conditions, the principle of the resolution that is before the Senate, that a fair and just discrimination shall be made between the people of the United States and foreign people, as France, as I have observed, made exactly such a discrimination? How shall I apply it to the situation at present?

Before I state my proposition I wish to advert to another matter, which is entirely germane to the situation. The Panama Railroad produces a very considerable amount of money in transporting goods across the Isthmus for the commerce of the world. It has produced many, many millions of wealth in its fifty or fifty-five years of history. It continues to produce. But although the Panama Railroad and every piece of property connected with it, and every dollar of stock in the corporation—a New York corporation—belong to the United States, the money that comes in from that railroad does not go into the Treasury of the United States. It is purposely withheld from the Treasury of the United States and is administered locally in respect of railroad affairs and in respect of the affairs of the

Isthmus. It is kept out of the Treasury of the United States. Some very singular, peculiar, and unfortunate arrangements have been made upon that predicate for the purpose of keeping the money arising from the Panama Railroad Company out of the Treasury of the United States and out of the power of appropriation by Congress.

So we see in the existing condition of affairs there a very abnormal situation, one that Congress never contemplated, and one that nothing but the most fertile and grasping imagination of an Executive could ever have devised. On some other day, perhaps on an appropriation bill, I may take occasion to bring up these instances, merely to present them to the Congress of the United States, if I may, for the purpose of showing the direction in which we are going and the rapidity of the pace. Here, then, is power exercised over a piece of property that unquestionably belongs to the Government of the United States, whereby its income is kept from the Treasury of the United States and put under the administration exclusively of the Isthmian Canal Commission. It is a great property, an enormous interest; but still there is where it is.

Now, if the Congress of the United States and the President of the United States, under the broad authority which we have ventured to confer upon him, can do these things, can enact a tariff as between Panama and the United States, a 10 per cent *ad valorem* duty, a common duty, applying to all imports, why can not the Congress of the United States enact that goods imported from abroad for the supply of the canal, whether in the form of machinery or any other form that you can conceive of, shall be put under a duty of 10 per cent, and allow the money that arises from the collection of such duties to be administered by the consent of Congress within that Zone?

I can see the necessity, the apparent necessity, at least, for the administration of it there by the Zone authorities without its passing through the long circuit it would have to take in getting into the Treasury and again out of the Treasury under our complex system of appropriations and expenditures. The emergency of the work requires that there should be some provision of that kind, and while I look upon the situation created there by the President and the Isthmian Canal Commission through their legislative powers with apprehension and alarm, yet I understand perfectly well that if the Congress of the United States would vouchsafe to give its imprimatur, its stamp of authority, to that same line of transactions, the evils and difficulties would disappear, and we should have an open road down there to the progress of this canal under such liberal conditions as to money and as to men and as to banishments, etc., as would assure the final success of this work.

Mr. President, two years' experience there by the Government of the United States has established the proposition finally that this Government can never build that canal under existing laws. This failure—it is obvious and is the mockery of the world—this great failure has come from the fact that Congress has refused to take the time to understand the question, to penetrate it to its bottom, and to legislate justly and properly in respect of the Canal Zone. It is our fault, Mr. President. We have committed the whole subject into the hands of men who have no boundaries of power, except of their own prescription, and who, accepting the situation, go ahead and take all the liberties they choose to take in the enactment of laws.

If the Congress would say that the two ports of Cristobal and Ancon (which have been delimited by an arrangement not final, it is true, but just and proper, between General Davis, when he was governor, and President Amador and his Government) are ports of the United States for all purposes whatsoever, thereby removing all doubt as to their actual legal state; and if it should go further and say that all goods imported into the Canal Zone for consumption or for the use of the Government of the United States from countries foreign to the United States should bear an *ad valorem* duty of 10 per cent, we would thereupon get a margin of advantage which would enable us to countervail what I am sure do exist—combinations amongst European manufacturers to underbid American manufacturers and to put prices down, so that they can usurp the market in Panama. That is what is going on.

This bid from somewhere in Europe, with which we are now contending and trying to get rid of and trying to find an excuse for throwing overboard, is a bid gotten up in virtue of a combination in Europe for the purpose of breaking down our local manufacturers. It is a hostile act. I do not concede that it is anything else; and I want to meet it, I want to resent it, and to resist it. I do not propose, by my silence or by my acquiescence, to submit to it if I can avoid it.

If we had a tariff of 10 per cent *ad valorem* upon these two dredges, to be collected at Panama, in the Zone, and applied by act of Congress to the local purposes of government in the

Zone, we should not violate any principle of the Constitution of the United States, and we would be doing precisely what we are doing in regard to articles imported for consumption by an agreement between the Secretary of War and President Amador. That is what we are doing to-day.

If the honorable committee which reported the joint resolution will take the time to look over this subject and to understand it perfectly, they will see they can reach this result constitutionally and properly and with due respect, which I am always ready to pay, to the preference which ought to be given to American manufacturers, simply by the device I suggest. I can not see how any tariff question comes up in this; how any great question of tariff taxation arises under such a plan as this, because it is an arrangement intended to last during the period of the construction of the canal. After that it will be entirely useless. It is intended for a local purpose, in which the Government of the United States has undertaken to do a great work in a country that was foreign, and in respect to which there are many things as yet foreign.

That act of Congress and that treaty which authorized us to go there and do this great work separate that Zone in every legal and proper sense, certainly in every logical sense, from the balance of the United States and make it a peculiar location for the purpose of doing a peculiar piece of work, requiring peculiar skill and persistence and an enormous outlay of money. That can be done. There is no difficulty in doing it, and it ought to be done.

Then the President of the United States, instead of being called upon to pass on a question of extortion or too high prices being charged by one of our own manufacturers, would have nothing to do but to appeal to the law and say to the foreign people who want to import cement, as they have imported a great deal of it into that Zone, and machinery and materials of every character. "You can not come in here without paying a duty of 10 per cent ad valorem." That gives 10 per cent advantage to our contractors, our material men, our food supply men, etc., and that is enough. It is enough to warn the foreigners off. It is enough to notify them that they can not conspire against American production and American manufactures and come in here and take from us not a market, but the opportunity to supply a material for a certain job of work. It is not any market. I submit now to the Senate that it is our duty to look into this thing more particularly than we have been in the habit of doing and to study the situation.

Mr. President, there can not be any declaration made by the Senate of the United States or by the Congress of the United States to-day in respect of that Zone which is as important as the first I propose as an amendment, by way of substitute for the joint resolution—that the Panama Canal Zone is declared to be a military reservation of the United States. For every reason that can be stated or imagined it is necessary to put it in that shape. It is in that shape virtually now, but it is necessary to have this Congressional declaration. Put it in that shape, and then you have the right constitutionally and under all precedents of legislation heretofore to say to anyone who wants to go into that Zone, that reservation, that military camp, if you please to call it such, "You can come here subject to conditions; you are not going to be allowed to trade here at all unless we want your goods and unless you are the right sort of person. We want to keep you and all speculators and thieves and promoters outside of this Zone. We want to control the labor of this Zone."

What does that mean? If you will read back in the history of affairs in Panama, you will find that strike after strike has occurred at Colon during a period of nearly fifty years, and the Government of the United States has been twice called upon by the Panama Railroad Company to go down there and suppress strikes. What is going to take place there? With 30,000 employees, whether they are under the control of contractors or under the control of the Government, what is going to take place down there? The walking delegate will appear. He has appeared already and has been ordered off. Leaving matters in the shape in which they are now, he will enter into lawsuits with you and apply for a writ of habeas corpus. We will have it in the Supreme Court of the United States, and this Government and this people will be turned upside down upon a labor question affecting the Canal Zone. How will the labor question affect the canal government? Fatally. You can not use any other word than that—fatally. The power must be there to suppress it, and there is but one power that can suppress it, and that is the power which is exercised by the governor of that Zone under a statute of the Isthmian Canal Commission—to banish the walking delegate or any other man who comes there to interfere with them.

That condition, thus established, for that purpose and for

many other purposes, authorizes us to regard that as a special reservation outside of the political limits of the United States and to use within that reservation all the powers that are necessary, not merely for the control of the situation and the preservation of peace and order, but all the powers necessary in regard to the importation of materials. We have the perfect right to control it, and we ought to declare that right. We ought to put it upon record that this is the basis of it, and then the nations of the earth would understand us. They do not understand us now. These people in Scotland who are making this combination to underbid our workmen would understand, when they saw this declaration, that the Government of the United States was, after all, in earnest about this business and intended to exercise all of its powers over the situation.

Mr. President, I can not conceive of anything that is more important than such a declaration. Just now we are informed by the morning paper that the Vice-President, or the person who is called the Vice-President, of Panama, with a suite of politicians, is coming here for the purpose of getting Mr. Taft to interfere down there and have an honest election held in the State of Panama. Drawn into the political situations there in spite of ourselves, because of our too free and familiar intercourse with that Government, it is plain that we have not exercised the power of shutting out from that Zone people who are not needed there and are not useful there. Now, for the next three months, perhaps, after the election, which is to occur early in June in Panama, is held, the people of the United States are to be aroused and excited and agitated about some political affair down there between the Liberals and the Conservatives, as they are called.

What we need there is a Zone devoted to business, not in any sense devoted to the art of government or of politics. We are not going down there to establish manufactures or agriculture or the fine arts or anything of that kind. We are going down there to build a canal, and only for that business, and we ought to go attended with all the powers of government that are necessary to be focalized upon that one spot so that we will have an unimpeded way to success. Put your Zone there under a major-general of the United States as a commandant. Do not let him have anything to do with the building of the canal, the buying of material, politics in Panama, or finance or postal matters. Let it be his business there to conduct the government of that Zone and to do it under the rules and regulations provided by the President of the United States and the Secretary of War applicable to the particular situation. Then you would have a man there and you would have a power there that the Spaniard and the dago and the negro and the Chinaman and all of the other races of the earth would respect with absolute submission. There could be nothing placed in the Zone to-day that would be more beneficial to us than a major-general of the United States Army in control and in command of everything that relates to police affairs in that Zone. You could not put anything there that would make a finer impression; and then the Republic of Panama, instead of sending her messengers and missionaries to confer with the Secretary of War about politics in an election to occur next June, would stay at home and respect the man and the situation. They would understand then that we are not there, as I said, for the purpose of ordaining civil government.

But keep your institutions that are there now if you want them. I think they are useless, many of them; but if you want them keep them. There are circuit judges, there is an appellate court, and there is everything connected with the law, except the writ of habeas corpus. There is a penitentiary with eighty-odd convicts in it. There is the pardoning power. The governor of the Zone has pardoned men who have been convicted of high felonies without ever coming to the President of the United States to exercise the pardoning power. It is an imperium in imperio, strictly, so called—the first instance, and I hope it will be the last instance that will ever occur in the history of this country, and that we will never be so put to it, either by our want of attention and diligence to our highest duties or by the creation of autocratic power.

At the proper time, Mr. President, I shall offer this amendment in the nature of a substitute. I have made my remarks upon it. I do not know that it will receive the approbation of any Senator in this body except myself, but I want to go on record, for I will not have many years, or many days even, to put myself on record here, in favor of the proposition that I conceive to be absolutely indispensable to the welfare of the Canal Zone and the canal. I ask to print it as part of my remarks, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:
"That the Panama Canal Zone is declared to be a military reservation of the United States."

"SEC. 2. That all revenues collected in said Zone, except the receipts and income of the Panama Railroad, are set apart for the use of said Zone, under the direction of the President of the United States, through the Isthmian Canal Commission or the authorities of government in said Zone, to be administered without being covered in the Treasury of the United States.

"SEC. 3. That a duty of 10 per cent ad valorem shall be levied and collected on all merchandise, machinery, or material imported into said Zone from any country that is not within the limits or jurisdiction of the United States, except freights arriving by sea that are destined or consigned for transportation across the Isthmus of Panama to or from a foreign country: *Provided*, That the President may remit such duties, in whole or in part, when the same apply to imports for consumption in the State of Panama.

"SEC. 4. That the ports of Cristobal and Ancon, as the same are now delimited under agreement with the Republic of Panama, are ports of the United States for all purposes."

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. At the request of the Senator from Maine, the amendment will be read.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert as a substitute therefor the following:

That the Panama Canal Zone is declared to be a military reservation of the United States.

SEC. 2. That all revenues collected in said Zone, except the receipts and income of the Panama Railroad, are set apart for the use of said Zone, under the direction of the President of the United States, through the Isthmian Canal Commission or the authorities of government in said Zone, to be administered without being covered in the Treasury of the United States.

SEC. 3. That a duty of 10 per cent ad valorem shall be levied and collected on all merchandise, machinery, or material imported into said Zone from any country that is not within the limits or jurisdiction of the United States, except freights arriving by sea that are destined or consigned for transportation across the Isthmus of Panama to or from a foreign country: *Provided*, That the President may remit such duties, in whole or in part, when the same apply to imports for consumption in the State of Panama.

SEC. 4. That the ports of Cristobal and Ancon, as the same are now delimited under agreement with the Republic of Panama, are ports of the United States for all purposes.

Mr. HALE. I might make the point upon it that the amendment is not germane, and I think it is not; but I do not make the point. I am willing to take the vote of the Senate on it.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. STONE. Mr. President, I desire to address the Senate briefly at this time. The amendment pending is the one offered by the Senator from Florida, as I understand.

The VICE-PRESIDENT. It is not pending. The amendment read at the Secretary's desk was not formally offered.

Mr. MORGAN. It has not been offered. I will let my amendment stand aside until the Senator from Florida has an opportunity to present his amendment, if he desires.

The VICE-PRESIDENT. The Senator from Florida has a right to offer his amendment in the way of perfecting the text of the joint resolution.

Mr. HALE. I had hoped that the Senate might come to a vote upon the proposition covered by the joint resolution—either adopt it or reject it—so that the Department would have a rule of proceeding in reference to these necessary operations on the Isthmus. I should like very much now, without in any way seeking to interfere with any Senator who desires to debate it, if I could, before 2 o'clock, to get the joint resolution out of the way. I do not object to a vote upon any amendment that is offered or upon the joint resolution itself. I do not desire to take up any time myself—I shall not say a word—but I should like very much, for the guidance of the Departments, to have the joint resolution out of the way.

Mr. CARMACK. What is the Senator's proposition?

Mr. HALE. Of course, it is in the hands of the Senate, but I desire very much to get a vote upon the matter and dispose of it in one way or the other; either adopt the joint resolution or reject it, as a guidance to the Departments, who are waiting for the action of Congress as to how they shall conduct this dredging business.

Mr. CARMACK. I thought the Senator from Maine proposed that a vote be taken at a certain hour.

Mr. HALE. Oh, no; that is only done upon subjects of great public interest and the disposition of which requires a great deal of time. No, I do not ask anything of that kind. I am entirely at the mercy of the Senate.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. STONE. Certainly.

Mr. MALLORY. I should like to inquire if the Senator from Alabama has withdrawn his amendment?

Mr. STONE. He has.

Mr. MORGAN. I withdrew it temporarily. Mine is a substitute, and the amendment of the Senator from Florida would have preference over mine.

Mr. MALLORY. Then I offer the amendment now.

The VICE-PRESIDENT. The Senator from Florida offers an amendment, which will be stated.

The SECRETARY. In line 7 of the joint resolution it is proposed to strike out the words "extortionate or;" so as to read:

Unless the President shall, in any case, deem the bids or tenders therefor to be unreasonable.

Mr. STONE. Mr. President, I have no desire to unduly delay the final consideration of the resolution. I have no objection to a vote upon it at any time. But this joint resolution, it seems to me, should and ordinarily would provoke a good deal of discussion. I can not but feel surprise that so little interest appears to be taken in the measure by Senators, at least by Senators on this side. I desire to submit some observations before a vote is taken.

The Senator from Florida [Mr. MALLORY] proposes to strike out the word "extortionate" from the joint resolution. If that should be done, then canal supplies could be purchased outside the United States if the prices offered here were regarded by the President as unreasonable. I can not see why there should be any objection to striking out that word. "Extortionate" is a word of larger reach and more drastic than the word "unreasonable." A bid could not well be extortionate without being unreasonable. The price of material could not be extortionate without being unreasonable. But it is possible that a price might be considered as unreasonable which would not be extortionate. The term is in the disjunctive—that is to say, it reads "extortionate or unreasonable"—and the President may decline to purchase American products and go abroad if, in his opinion, the prices offered are either the one or the other. In that view the word "extortionate" is not significant.

However, I am personally not importunate about this. I do not care very much about it. I did not arise to discuss this amendment, but the resolution itself. Mr. President, I have been wholly unable to comprehend just why this joint resolution is proposed. It seems to me to be meaningless, absolutely so in a practical sense. It is useless, needless, and without any practical meaning. What is intended to be accomplished by it? It declares "that purchase of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable." Restricted? Why, I presume no one imagines that the President would purchase any material outside of the United States if like material could be purchased at home for substantially the same price, all things considered. It is inconceivable that any American official would buy abroad in preference to buying at home when the conditions upon which purchases could be made were substantially the same.

The joint resolution does not absolutely restrict the President to purchases in the United States. It restricts him only in cases where the bids made or the prices demanded are extortionate or unreasonable.

I do not see that any substantial thing is accomplished by the joint resolution, either of good or evil. Then, Mr. President, what is the real purpose of the resolution? Is the President or his subordinates asking Congress to provide an easy place for them to fall? Are they asking the Congress to give them an excuse for not doing something they have boldly proclaimed they intended to do?

Mr. MORGAN. And have done.

Mr. STONE. The Secretary of War, a gentleman for whom personally I entertain an unusually high regard, both as a man and as an official, declared some months ago that he would consider it his duty to purchase canal supplies in the open markets of the world; that he considered it his duty to build the canal as cheaply as possible, and that if the supplies necessary for the construction of the canal could be had in other markets than our own at prices materially less, he would feel it to be his official duty, under his oath and in the proper administration of his office, to purchase the supplies wherever they could be had the cheapest. The head of the Canal Commission made similar statements, and all these statements have had the official indorsement of the President.

Some months ago, when this canal business was before the Senate in some form, I had occasion to call the attention of the Senate to some expressions from these high official sources on this subject. I want again to call the attention of the Senate to some of them. I read at that time an article which appeared in the Washington Post May 16, 1905, now just about a year ago, and I wish to read it again. It is as follows:

A new and very important policy was entered upon yesterday by the Isthmian Canal Commission, when members of its executive committee decided to purchase both materials and ships in the markets of the world. This was approved by Secretary Taft.

This decision with regard to the canal was reached with some reluctance, because it was appreciated by Secretary Taft and the executive committee that there would surely be a great outcry from two great interests in this country—the producers of material and the ship-owners—if the purchases were not limited to the American product.

But it was decided that the money consideration was so great that it could not be ignored, for it was held that in cases fully 50 per cent more would be charged for material needed in canal construction than the same goods could be produced for in Europe.

Chief Engineer Wallace, for instance, showed that two ships, in addition to those running between New York and Colon and owned by the Panama Railroad Company, were absolutely necessary to carry the food supply and material needed for the work. No American ships could be bought at any reasonable price, and when it came to building such ships it was found, according to Secretary Taft's statement, that while you could buy two 6,000-ton ships in Europe for \$750,000, it would cost \$1,400,000 to build such ships here. And, in addition, while the European ships could be had at once, it would take at least eighteen months to secure American boats. Therefore it was decided to buy the ships in Europe, or, rather, in any port where they could be had the cheapest and obtained the quickest.

Secretary Taft explained yesterday that he felt obliged to indorse this decision. * * * And in this connection he called attention to the following recommendation contained in the first report of the Isthmian Canal Commission.

And now I quote from that report:

An important question of policy is yet to be determined. If the Isthmian Canal Commission is not bound by any restriction of Congress as to where it shall purchase machinery, material, and supplies, then it would seem to be its duty to construct the canal as cheaply as possible, and buy what it needs where it can get it cheapest.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. HALE. The Senator from North Dakota [Mr. KITTREDGE] is, of course, entitled to the floor, and I understand he is ready to submit some remarks to the Senate. But could not the Senator yield and allow the joint resolution to be proceeded with until it is finished?

Mr. KITTREDGE rose.

Mr. STONE. I will say at this point, if I may be permitted, that I understand possibly there is to be some additional debate on this side, and the matter can go over if the Senator from South Dakota wishes to proceed with the unfinished business.

Mr. KITTREDGE. I would be very happy, of course, to yield to the Senator from Maine to continue the consideration of the joint resolution if I felt that I ought to do so in duty to the unfinished business. I had expected to ask that the unfinished business be laid before the Senate at an earlier hour to-day, and I must ask that it be proceeded with at this time.

Mr. HALE. The Senator desires to submit some remarks?

Mr. KITTREDGE. I have that purpose, Mr. President.

Mr. HALE. Of course I can not interfere with that. The joint resolution will then go over for the present. I give notice that I shall call it up as soon as possible after the Senator from South Dakota has concluded his remarks.

Mr. CARMACK. I submit an amendment as a substitute for the joint resolution which has been under consideration.

The amendment was ordered to lie on the table, and to be printed, as follows:

Strike out all after the resolving clause and insert:

"That in all contracts for the purchase of material and equipment for use in the construction of the Panama Canal preference shall be given to articles of domestic production or manufacture, conditions of quality and price being equal."

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. Mr. President—

Mr. STONE. Before the Senator proceeds, I ask permission to say to the Senator from Maine that when the joint resolution which has been under consideration was called up I was notified by three Senators on this side that they desire to debate it.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I do, for an inquiry.

Mr. PENROSE. I simply want to make a statement. I am as strongly in favor of the joint resolution as the Senator from Maine, but it is very plain that it is going to lead to prolonged discussion. I stated to the Senate this morning the absolute necessity, as far as I am personally concerned, of being relieved of the Post-Office appropriation bill before the middle of the week. I should like to ask the Senator from South Dakota whether he will have any objection, as far as the unfinished business is concerned, if I should move to proceed to the consideration of the Post-Office appropriation bill at the close of his remarks?

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. KITTREDGE. Answering the question of the Senator from Pennsylvania first, I would simply say that at the conclusion of my remarks I expect to ask to have the unfinished business temporarily laid aside.

Mr. PENROSE. Then I shall move at that time that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. CLAPP. Before that is settled I wish to make a statement.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. KITTREDGE. I do, for an inquiry.

Mr. CLAPP. In an informal talk with the Senator from South Dakota I notified him that I was going to ask to bring up the conference report on the Indian appropriation bill at the close of his speech. The report was brought in on Friday, and I should like to call it up as early as possible.

Mr. PENROSE. I should like to ask the Senator from Minnesota whether the conference report will lead to any extended discussion?

Mr. CLAPP. I would not suppose that it would, but of course I can not tell what might happen.

Mr. PENROSE. I do not know whether the Senator from Minnesota was in the Chamber this morning when I made a statement in regard to the Post-Office appropriation bill. If I can not have the bill disposed of by the middle of this week, I can not assure the Senate that I can call it up until the middle of June. While I know the conference report is entitled to precedence, and I have every desire to facilitate the Senator's work, I sincerely hope that he will let me have the appropriation bill disposed of. He will doubtless be here all week, and he will have ample opportunity to have the conference report disposed of. My personal engagements are such that I want to be relieved of the appropriation bill by Wednesday.

Mr. CLAPP. May I ask the Senator from Pennsylvania how long he expects it will take to complete the Post-Office appropriation bill?

Mr. PENROSE. The Post-Office appropriation bill seldom takes very long in the Senate. It has not done so in recent years. I do not know of any matters in controversy in the bill that will lead to any extended discussion.

Mr. KITTREDGE. So far as the consideration of the appropriation bill and of the conference report is concerned, I assume that is a matter for the Senate to determine after I have concluded such remarks as I may submit.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Maine?

Mr. KITTREDGE. I do.

Mr. HALE. As the Senator from South Dakota is prepared to go on with his remarks, and has also stated that at the conclusion of his remarks he will ask that the unfinished business be temporarily laid aside, I was going to ask that he be allowed now to go on and the Senate then will decide what it will take up. I hope the Senator from South Dakota will be allowed to go on with his remarks.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 5509. An act for the relief of Russell Savage;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 9841. An act to correct the military record of James H. Davis;

H. R. 13836. An act for the relief of Taylor Ware; and

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TILLMAN. I move that the Senate insist upon its amendments and consent to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. BAILEY. Mr. President, pending that motion, I shall not

move, because I doubt if it would be in order, an instruction to the conferees of the Senate, but I want to call the attention of the Senate and of the Senate conferees to an amendment to an exception which seems to have been ingrafted upon amendment No. 5 on page 5. I sincerely hope that the conferees on the part of the Senate will agree to so much of the disagreement of the House as strikes out the words "other than timber and the manufactured products thereof."

The original Senate amendment was intended to divorce the business of transportation from the business of manufacture and distribution, and I do not believe that any living man can assign a valid reason against carriers producing and transporting coal, iron, and other commodities that will not apply with equal or greater force to lumber.

I think this exception is equivalent to an admission that the entire amendment is of doubtful wisdom and of doubtful utility. I can not myself comprehend what better right a railroad company has to buy a pine forest and engage in the manufacture and transportation of lumber than a railroad company has to buy a coal mine and engage in the business of producing and transporting coal.

Without intending to detain the Senate, I venture to express the hope that those words which constitute that exception will be stricken out of the bill. I did not, I frankly say, know that such an exception had been adopted by the Senate until last night. I remembered the speech of the Senator from the State of Washington [Mr. PILES] in favor of it, and while he was on the floor some constituents of mine called me into the Marble Room, and supposing that an exception so important as that could not be adopted without a roll call, and no roll call having been ordered, the matter passed out of my mind as having been defeated.

I discovered last night that this provision is in the bill, and I think it is equivalent to conceding that the whole proposition is a vicious one. I sincerely hope that the people who produce lumber will be put on precisely the same plane as the people who produce coal. If there is any wisdom in the effort of the Senate to divorce transportation from manufactures, mining, and production, that wisdom reaches to and includes lumber as well as it does coal, iron, and other products. If we are in earnest, and I hope we are, in this effort to separate the business of a common carrier from the business of manufacturers, producers, and merchants, that exception ought to be eliminated.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. TILLMAN, Mr. ELKINS, and Mr. CULLOM as the conferees on the part of the Senate.

PANAMA CANAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. Mr. President, the Spooner law, approved June 28, 1902, provided, conditionally, that a canal connecting the waters of the Atlantic and Pacific oceans should be located at Panama. The first section of that act authorized the President to acquire for and on behalf of the United States all the properties of the New Panama Canal Company, of France, paying therefor the sum of \$40,000,000, provided a satisfactory title to said property could be obtained.

That condition was satisfied, as is evidenced by the opinion of the then Attorney-General of the United States, now a member of this body, the Senator from Pennsylvania [Mr. Knox]. The second section of that act authorized the President to acquire from the Republic of Colombia for and on behalf of the United States, upon such terms as he might deem reasonable, perpetual control of a strip of land across the Isthmus of Panama, which is therein described, and authorized the payment of \$10,000,000 for such property so to be acquired.

This condition was satisfied by the ratification of what is known as the "Hay-Varilla treaty," which the Senate ratified on the 23d of February, 1904, and it was duly proclaimed on the 26th of February, 1904.

The Spooner law which I have mentioned made an appropriation of the sum of \$60,000,000, \$40,000,000 to pay for the property which was to be acquired from the New Panama Canal Company, \$10,000,000 for the purpose of paying the Republic of Panama, or Colombia, as it then was, for the right we acquired from that Government, and \$10,000,000 for general pur-

poses. Sixteen million five hundred thousand dollars additional has been appropriated by the present Congress.

By the act of April 28, 1904, the President was authorized and directed to take possession of the properties acquired from the Republic of Panama and from the New Panama Canal Company. That was accomplished early in May of that year. In the same act certain governmental powers were vested in such persons as the President might direct.

Under section 3 of the Spooner law to which I have referred it was required that the canal to be constructed across the Isthmus of Panama should be of sufficient capacity and depth as should afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

By the seventh section of the same act an Isthmian Canal Commission was created, composed of seven members. That Commission was organized in March, 1904. It consisted of Admiral Walker; General Davis; of Mr. Burr and Mr. Parsons, both of New York; Mr. Harrod, of New Orleans; Mr. Grunsky, of California, and Mr. Hecker, of Michigan. Mr. Hecker resigned from that Commission early in November, 1904, and all the other members of that Commission resigned in March, 1905. On the 1st of April, 1905, a new commission was appointed. Mr. Shonts was made chairman; Judge Magoon was made a member; Mr. Wallace, then the chief engineer, as he had been from the May previous, was also made a member; General Hains, General Ernst, Mr. Harrod, and Admiral Endicott were also made members of it. That Commission continues as at first appointed, except in the latter part of June, 1905, Mr. Wallace resigned.

On the 24th day of June, 1905, the President created a board of consulting engineers, as he was authorized to do by section 7 of the Spooner law to which I have referred. The language is as follows:

In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work.

General Davis was designated by the President as the chairman of the board. As before stated, he had been a member of the first Isthmian Canal Commission, as had also Mr. Burr and Mr. Parsons, of New York. The other members of the board—ten besides those above named—were General Abbott, of the Army, retired; Mr. Noble, of New York; Mr. Randolph, of Chicago; Mr. Ripley, of Michigan; Mr. Stearns, of Boston; Mr. Hunter, of England, who is the chief engineer of the Manchester Ship Canal; Herr Tincauzer, of Germany, at the head of the Kiel Canal; Mr. Welcker, of The Netherlands, at the head of the canals of that country; M. Guerard and M. Quellenec, of France, connected with the Suez Canal, the latter being now the chief engineer of that work, and the former connected with it in an advisory capacity.

The board met early, September 1, 1905, and in November, 1905, reached a conclusion, eight of the members of that board favoring a sea-level canal, which the majority of the Inter-oceanic Canal Committee approve and adopt, while five members of the board recommend a lock canal of the type and character I will later mention.

These reports were not at that time made public. They were first, as I understand, submitted to the Isthmian Canal Commission. The board of which I have been speaking, the Board of Consulting Engineers, reported, as I have stated, to the Isthmian Canal Commission, and they in turn submitted their findings to the Secretary of War.

On the 19th day of February, 1906, the President transmitted to Congress the report of the Board of Consulting Engineers, which I have mentioned, also the report of the Isthmian Canal Commission upon the type of canal, together with a letter of the Secretary of War submitting to the President, with comments, said report. That document was on the desks of Senators some time ago. It is Document No. 231 of the present session. Immediately after the submission of the message with the reports the Inter-oceanic Canal Committee began its investigations. With careful and painstaking attention they heard numerous engineers upon this question. The testimony so given is to be found in a volume of evidence, nearly a thousand pages, which can also be procured by Senators. The Committee on Inter-oceanic Canals having this subject in charge based its finding upon all the testimony that has been presented to the committee, and its conclusion is now before the Senate. I ask that the bill, which is the unfinished business, may be read for the information of this body.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, be constructed in accordance with the report and plans of the Board of Consulting Engineers for the Panama Canal created by the order of the President dated June 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. KITTREDGE. Mr. President, thus far we have not had the benefit of any suggestions on the part of the minority of the Inter-oceanic Canal Committee concerning their recommendations. Neither in the committee nor as yet in this body has the minority of that committee presented its views. It is only fair to say, however, that the chairman of the committee has informed me that in the near future he will submit the views of the minority. This is regretted on my part, as I can not have the opportunity, in this opening presentation, of commenting, so far as I may, upon the points or arguments they will cite in discussing this measure. However, it will be assumed in these remarks that the minority of that committee will base their conclusions upon the minority report of the Board of Consulting Engineers, to which reference has been made.

At this point it may be well to call attention to one or two of the maps upon the walls of this Chamber. The canal at Panama runs east of south from Colon; that is to say, the city of Panama is east of the city of Colon, which is the Caribbean, or Atlantic, port of entrance to the canal. It is 50 miles, in round figures, from the point where dredging begins in the Atlantic Ocean to where it ends on the Pacific Ocean. The high-tide waters of the Atlantic and Pacific oceans are only 24 miles apart. That, of course, means that, except for 24 miles of the distance I have mentioned, the work is that of dredging, presenting absolutely no unusual, untried, or doubtful problems of engineering.

Of the 24 miles to which allusion has been made, the maximum height above sea level now is only 160 feet, which, for a sea-level canal, means simply the excavation of the material for the distance of about 24 miles to the height of 160 feet and of the width provided for by the majority of the Board of Consulting Engineers, plus, of course, the 40-foot depth of water, as provided in that plan of canal.

At a very early date, so the geologists suggest, an arm of the Atlantic Ocean or of the Caribbean Sea extended 30 miles from the point where land now begins to Gamboa. At that point—Gamboa—the solid rock is at sea level, and we are told that all the lowland now existing in the valley of the Chagres from Gamboa to the Caribbean Sea, or Atlantic Ocean, has been made ground. It has been formed by the wash, silt, and drift of the river Chagres and deposited in the valley, gradually filling it up and making the land as it now appears.

The highest point on the Isthmus traversed by the canal is what is known as the "Culebra divide." Before any work was done by the French company the maximum height along the route of this canal was a little more than 330 feet, but it had been excavated by the French to the extent already mentioned.

If the sea-level canal shall be adopted, there are only two structures of importance to be made—one a dam at Gamboa, restraining and controlling the waters of the Chagres River, and the other (possibly necessary) a tidal lock or gate near the Pacific terminus, in order to restrain the waters at high tide from rushing into the canal, the gate operating as a dam, and also to enable ships to emerge from the canal and pass out to the Pacific at all stages of tide. The tidal lock is not regarded as necessary by all the engineers who have appeared before us. It is, however, recommended, in order that by no chance can the flood waters, or the tide waters, rush through the canal and injure it or any shipping that may be passing through.

The structure at Gamboa would not be a very large one. By that I mean that in this country and in all countries where works of this sort are constructed, many dams of greater magnitude have long been in existence and are being built. The rock at that point is only 50 or 53 feet below the surface of the ground. At present surface the distance across the valley is only 600 feet; at the surface of the ground 1,150 feet; and at the top of the dam the distance across will be only 2,250 feet. One of many strong points in favor of the dam at that place, is the fact that on either side are hills of solid rock, and the dam, if constructed there, will not only be placed on solid rock, but will be buttressed on either flank by rock as solid and firm as can anywhere be found.

These, as has been stated, are the only two structures of any importance that are contemplated by the sea-level type of canal. I do not forget the fact that some of the little streams that flow into the canal are to have dams across them, throwing the water back upon their source and to the ocean in another way, but

those are inconsiderable in size and of no moment so far as any vital feature is concerned.

On the other hand the lock canal would require structures of unusual, doubtful, and experimental features. The first structure of importance required would be at Gatun. There it would be necessary to construct a dam one mile and a half in length, a half mile in width, and 135 feet in height, supporting a head of 85 feet of water. At one end three locks are proposed, with an aggregate lift of 85 feet.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. BACON. Will the Senator pardon me if I ask him what he means by the width of the dam being half a mile?

Mr. KITTREDGE. I mean it is half a mile up and down stream.

Mr. DRYDEN. The thickness?

Mr. BACON. The thickness of the dam would be half a mile?

Mr. KITTREDGE. Yes. I will explain that feature a little later on.

These locks, as has been stated, are in flights, in steps one above the other, all in direct contact. As the ship leaves one lock it enters the next above it, or below, as the case may be. The same is true upon the other side, except one of the locks is to be located at Pedro Miguel or Miraflores, and two at or near La Boca.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. KITTREDGE. Certainly, I do.

Mr. HOPKINS. If the interruption will not disturb the Senator, I understood him to say that under the sea-level type of canal the only dams that would be required would be the one at Gamboa and one on the Panama side—

Mr. KITTREDGE. A dam at Gamboa and a tidal lock near Panama.

Mr. HOPKINS. Yes. I want to call the Senator's attention to the fact that there are some other dams which have been proposed as being involved in the construction of the sea-level type of canal. As I understand, there will be three other dams necessary, one controlling the River Caño, one the River Gigantito, and a third controlling the Rio Gigante. One of those dams will be 2,800 feet long. Does the Senator understand that it will be necessary to construct such a dam as that under the sea-level plan?

Mr. KITTREDGE. I am not sure about the length of the dams, but they are small structures and unimportant.

Mr. HOPKINS. The evidence shows that one dam would have to be 2,800 feet long, and that another dam would have to be 490 feet long, and another 820 feet long. The height of these dams will be 75 feet above the ground. I want to call the Senator's attention also to the fact that there is no evidence showing how deep, for a sea-level canal, it will be necessary to go in order to get a foundation for any one of these dams designed to check the rivers which it will be necessary to control. Unless those dams are constructed, the flow of water from the rivers referred to would go into and practically destroy the navigation of the sea-level canal by making cross currents in the canal.

Mr. KITTREDGE. That, Mr. President, is the Senator's statement of what will happen.

Mr. HOPKINS. I will ask the Senator if it is not the fact that the sea-level canal plan involves the construction of the three dams I have named?

Mr. KITTREDGE. There is no doubt about that.

Mr. HOPKINS. Yes. Is it not also a fact that there have been no borings to determine how low it will be necessary to go to find a rock foundation for any one of these three dams?

Mr. KITTREDGE. Those dams, Mr. President, and the rivers which they are to cross are of such inconsiderable importance as not to be worthy of any attention in the settlement of this question.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. KITTREDGE. Certainly.

Mr. GALLINGER. The Senator from Illinois [Mr. HOPKINS] lays stress upon the depth it will be necessary to go to find rock foundations for these small dams. Am I correct, I will ask the Senator from South Dakota, in supposing that the enormous dam at Gatun, that will be necessary if we have a lock canal, a mile and a half long, half a mile wide, and I have forgotten how high, will necessarily be built upon a mud foundation?

Mr. KITTREDGE. The Senator is absolutely correct, as I will later show.

Mr. HOPKINS. Mr. President, inasmuch as the Senator from New Hampshire has referred to me, by the permission of the Senator from South Dakota, I want to say that the dam at Gatun is going to be upon a rock foundation. There are two depressions, one 258 feet and another 205 feet, that will be required to go below the rock level of the dam, but at every point it will strike a rock foundation.

Mr. DRYDEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. Will the Senator pardon me just a moment, and then I will yield to him?

Mr. DRYDEN. Certainly.

Mr. KITTREDGE. Before I leave the question asked by the Senator from Illinois, let me read what Mr. Hunter states regarding the dams which the Senator from Illinois has mentioned. It is found in the letter which was presented to this body one day last week and placed upon the desk of each member of the Senate. I read from page 9 of that letter.

Mr. FORAKER. What is the date of the letter?

Mr. KITTREDGE. The letter is dated April 28, 1906, and is written by Mr. Hunter, who was a member of the Board of Consulting Engineers. He is now, and has been for many years—in fact nearly all his life—connected with, and at the present time is the chief engineer of, the Manchester Ship Canal.

He says:

Much unnecessary apprehension has been expressed, both as to the effect and as to the probable cost of the works required for the regulation of the side streams which will flow into the sea-level canal. The works will be very simple in their design, and very direct in their operation. No elaborate systems of masonry construction, for the purpose of converting the streams into cascades, will be required or need be contemplated. It will suffice if the streams when not diverted altogether, whether higher or lower in level (as compared with the level of water in the canal) are in each case allowed to fall directly into a pool to be formed at the foot of each, from which pool the water will flow over a weir into the canal, the short channel from the weir being laid out on such lines, and at such depths, as will reduce velocity to the point required to eliminate appreciable current. This, in principle, was the method adopted for dealing with the flood waters from the river Mersey, which pass into the Manchester Canal, and has, in practice, proved to be entirely successful, as even in times of very heavy flood, when the quantities discharged from the Mersey are much greater than those which will be discharged from any of the subsidiary streams on the line of the Panama Canal, the current velocity in the waterway never exceeds 2 miles per hour, which velocity has had no effect whatever upon passing steamers, whether moving with or against the current.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I had promised to yield to the Senator from New Jersey [Mr. DRYDEN]. I will yield to whichever desires to proceed first.

Mr. DRYDEN. I merely wanted to make a brief statement, and it is very pertinent in view of the testimony of Mr. Hunter.

The Senator from South Dakota, who is thoroughly informed upon this whole subject, is well aware that there are seventeen different streams which will enter into the canal, the mouths of which streams are all the way from 13 to 130 feet above the surface of a sea-level canal. Now, let Senators imagine for a moment, when these great floods which take place from time to time in that territory occur, when the Chagres River is so filled that it overflows everything and carries everything in its course, what will be the effect upon the sea-level canal, getting water into it from a height of 130 feet above the canal, and what is going to be the condition of these great ships which will undertake to navigate the canal when they meet these cross currents.

Mr. KNOX. Mr. President—

Mr. KITTREDGE. Just a moment. Permit me first to answer the question of the Senator from New Jersey.

The effect of these dams across the little streams which would pass into the prism of the canal if the dams were not constructed is to reverse the flow of the streams and turn them altogether the other way and out of the Chagres Valley or the prism of the canal.

Mr. DRYDEN. Does the Senator mean to say that these streams will not empty into the canal?

Mr. KITTREDGE. They will if the dams are not constructed, but the dams which the Senator has in mind will accomplish the purpose I have stated.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I yield to the Senator from Pennsylvania.

Mr. KNOX. I simply wish to make an inquiry. Is not Mr. Hunter, whose letter seemed to have been of sufficient importance to have it printed and laid upon the desk of each Senator, and who testifies in favor of a sea-level canal, the same Mr. Hunter who was a member of the technical commission of France, appointed by the French canal company to report upon the question of a sea-level or lock canal, and did not report against a sea-level canal and in favor of a lock canal, with two locks at Bohio not very much smaller in size and height than the flight of locks at Gatun?

Mr. MORGAN. I suppose, if the Senator from South Dakota will permit me—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. KITTREDGE. I yield.

Mr. MORGAN. I suppose those facts must have been known to the President when he invited Mr. Hunter to come over here and take a place on this Commission. He invited Mr. Hunter to come here. The President had confidence in his judgment and in his integrity; and I think there will be difficulty in submitting Mr. Hunter to any impeachment whatever before the Senate.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Certainly.

Mr. KNOX. I only want to have an answer from the Senator from South Dakota as to whether or not those are the facts?

Mr. KITTREDGE. The statement of the Senator from Pennsylvania is correct. Mr. Hunter was a member of what is known as the "technical committee" of the New Panama Canal Company. But it must not be forgotten that at the time the committee was investigating, that company was in financial difficulties, and their study was to discover the cheapest form of canal, the one soonest made and earning tolls, and at that time they did recommend the construction of a lock canal of small capacity, and it included locks at Bohio. But in that connection it must be further remembered that at that time it was supposed that the rock foundation at Bohio was less than 130 feet. It has since developed, upon investigation made by former Chief Engineer Wallace, that a rock foundation can not be reached at Bohio unless at a depth of 168 feet below sea level, which makes absolutely impossible the securing of a rock foundation for the dam at that point.

It must not be forgotten, further in this connection, that notwithstanding that fact a minority of the board of engineers abandoned Bohio, for the reason I have stated, and have gone to Gatun. There they have already made borings to a depth of 258 feet, and they discover sand, gravel, mud, decayed vegetable matter, trees, seashells, and water bubbling at varying distances from the grass roots to that depth. Upon such a foundation the minority propose to put in the Gatun dam, which is the very key to the integrity of the entire canal structure.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. MORGAN. The Senator from Illinois [Mr. HOPKINS] said, as I understood, that the borings across the mile and a half at Gatun had reached rock foundations except in those two cavernous places, one being 258 and the other 200 feet deep. I do not understand the evidence if a rock foundation has been touched with an auger anywhere in that mile and a half. They have stuff there which they call indurated clay, which is far from being rock—so far from it, indeed, that either by earthquake disturbance or by the washing of the waters of the Chagres River one channel has been cut through it 228 feet deep, and within a few hundred yards another channel has been cut through it 200 feet deep. It is not rock, and it is not correct to say that it is. I ask the Senator from South Dakota if I am right about that?

Mr. HOPKINS. Mr. President—

Mr. KITTREDGE. The Senator from Alabama is entirely correct in his statement of the facts regarding the underlying material at the Gatun dam. Mr. Stevens in his testimony before the committee referred to this material as "so-called rock."

Mr. HOPKINS. Will the Senator from South Dakota allow me right here?

Mr. KITTREDGE. I will allow this question—

Mr. HOPKINS. If it disturbs you—

Mr. KITTREDGE. It does not disturb me at all, but I should like to submit my remarks in more consecutive form.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. KITTREDGE. I yield.

Mr. HOPKINS. Do not the present chief engineer and five American engineers all agree that what the Senator from Alabama calls "indurated clay" —

Mr. MORGAN. I take that from the report.

Mr. HOPKINS. Is as good rock foundation as it is possible to find anywhere for the construction of a dam of the character proposed at Gatun?

Mr. KITTREDGE. I do not understand that they go that far.

Mr. HOPKINS. They all do.

Mr. KITTREDGE. In making the suggestion regarding interruptions, I do not wish to have it understood that I shall decline to yield for the purpose of permitting a Senator to ask a question for information. I shall be very happy to do that. But I should much prefer not to engage in argument regarding the facts during the remainder of my remarks.

Mr. President, the selection of the best type for the Panama Canal for the United States Government is a much greater question than would arise if the canal were to serve a commercial purpose only. The canal which could be constructed in the shortest period of time and at the least cost would be a lock canal of comparatively high summit level, higher than has been considered suitable by the Board of Consulting Engineers, with locks of less dimensions than would meet the exacting requirements of the law under which the subject is now being considered. Such locks, and a corresponding canal prism between them, while sufficient to afford a measure of accommodation for nearly all the ocean traffic seeking such a waterway, would be highly unsatisfactory for the purposes contemplated by the Government. Its locks would be too small to give accommodation either for the largest ships afloat or for the largest of those now in process of construction, nor would it give that freedom of passage for war vessels of the United States Navy from one ocean to another which is one of the most important services of the contemplated waterway.

The cost of maintenance of such a high-level canal would be unduly high and the dangers of its navigation far greater than should characterize a suitable passage for a great traffic between oceans. These objections would be to a considerable extent removed by reducing the summit level of the canal and by increasing the size of a lessened number of locks. Even with these desirable modifications the main broad question still exists whether the selected type shall be that of a canal with summit level above mean tide or a sea-level canal with a tidal lock only at its Panama end, where the maximum range of tide is about 21 feet, but where the tidal lock may have its gates wide open at least one-half of the time.

There is one crucial question to be considered and answered at the very outset of the contemplation of such a lock canal with its summit level above high tide. The employment of locks requires the supply of a lock full of water for every use of a lock. With great locks of the size required by the isthmian canal, if the traffic is considerable, a relatively large daily flow of water is required to feed the locks. There is but one river on the Isthmus of Panama whose size and location is such as to supply a sufficient volume of water for the feeding of a lock ship canal, and that is the Chagres. Its high and low water discharges have been continuously observed throughout a considerable period of years, and its adequacy for the purpose has been thoroughly discussed by the first Isthmian Canal Commission as well as by the present Commission. It appears that that river may be confidently expected to furnish sufficient water for the operation of a lock canal, even with locks of a usable length of 1,000 feet, and of a usable width of 100 feet, for a tonnage variously estimated from 30,000 to 35,000 tons up to 50,000, or even 70,000 tons. Both the majority and the minority of the Board of Consulting Engineers appear to have accepted these results as being impregnable to criticism.

The main terminal harbor features outside of the shore lines are practically the same for both sea-level and lock plans, and the general conditions of approach at each end of the canal proper are to be treated in practically the same way whether one type be selected or the other. A wide and deep approach channel must be constructed from the 7-fathom contour on either side of the Isthmus to the canal proper, which may be taken as lying wholly within the shore lines at the two extremities of the Canal Zone. As the Bay of Limon is directly open to the north, the harbor of Cristobal, at the Caribbean end of the canal, must be protected from the violent "northerly," although these dangerous storms occur on the average not more than three or four days in the year. On the Pacific side, on the other hand, no harbor protection is needed, as the Pacific terminus of the canal is never visited by storms. There are times when there is considerable breeze, but there is no record of winds whose severity is such as to class them among storms. The terminal approach channel on the Pacific side lies between the shore and

the group of four islands, about 4 miles offshore, which would afford much protection were it needed. Obviously all these terminal harbor features are not affected by the type of canal.

THE SEA-LEVEL CANAL.

The majority report of the Board of Consulting Engineers has set forth a complete plan for a sea-level canal, and has recommended its adoption for the ship waterway to be constructed across the Isthmus of Panama. The main features of this plan for the waterway between the terminal harbors are a channel prism with the surface at the elevation of mean tide from one ocean tide water to the other, but with a tidal lock at the Pacific end of the canal to afford suitable provision for exit from and entrance to the canal at the extreme ranges of spring tides, the extreme range being 21 feet in Panama Bay, the mean range being about 14 feet.

In this connection it may be an interesting fact to note that the mean tide level of the Atlantic and the Pacific are practically the same; and were it not for the high tide of Panama, if a sea-level canal should be constructed, the difference between the two oceans would not form a current.

These extreme spring tides are of rare occurrence, and the majority report sets forth the fact that the gates of this tidal lock will be wide open for at least one-half of the total time. Some engineers of repute believe that the experience gained in the construction of the canal will show that the entrance from Panama Bay into the canal may be so devised as to make a tidal lock there unnecessary. The majority, however, has assumed that the lock will be necessary to the extent stated, and it is provided for in the estimated costs of construction, operation, and maintenance. As the extreme range of tide at the Colon end of the canal never exceeds about 2.5 feet, obviously no tidal lock would be needed there.

The Chagres River, having a total watershed variously estimated from 700 to 800 square miles above Bohio, the point where it leaves the higher ground of the Isthmus and enters what may be called the "coastal plain" on the Caribbean side, cuts the canal line in its downward flow at Gamboa, 30 miles from Colon. The great tropical rainfall on the Atlantic slope of the Cordillera, varying from 100 to 125 inches per year, subjects the Chagres River to sudden and high floods. The rate of discharge of this river may vary from about 300 cubic feet per second at Gamboa to possibly nearly 80,000 cubic feet per second at the same point, although there is no flood on record of over 65,000 cubic feet per second.

These great floods occur at rare intervals, as but five have been recorded during a period of nearly fifty years. Smaller floods or freshets, however, varying from 5,000 cubic feet per second to 20,000 or 25,000 cubic feet per second are comparatively common. As such floods from any one stream might cause destruction to a ship canal if allowed to flow directly into it, adequate controlling works must be constructed in connection with any type of canal, for the Chagres River or for other streams even of a much less magnitude. The only other river of considerable magnitude beside the Chagres is that known as the "Gatuncillo," or, as the Isthmian Canal Commission now call it, the "Gatun River," which is a tributary of the Chagres and empties into that river at the little native village of Gatun, 7 miles from Colon. The main features of control of these streams, as planned by the majority of the Board of Consulting Engineers, consist of a great dam across the Chagres at Gamboa, with the proper regulating sluices. An independent diversion channel, already nearly completed, will carry the waters of the Gatun River from Gatun to an easterly arm of Limon Bay, thus preventing any discharge of that river from entering the canal prism. Obviously the latter plan makes any further treatment of the waters of the Gatun River unnecessary.

The superficial area of Gamboa Lake is about 39 square miles with its water surface at its maximum height at the elevation of 170 feet above the sea. The reserve storage capacity in this lake is abundant to receive any two of the greatest possible floods of the Chagres River in succession without discharging any of the flow into the canal prism and without exceeding the highest water surface given above. The regulating sluices at the Gamboa dam are so designed as to permit at will any rate of discharge of the flood waters from the Chagres River into the canal up to a maximum of 15,000 cubic feet per second, producing no greater current in the canal than $1\frac{1}{2}$ miles per hour, which is negligible as to its effect upon navigation. Some of the streams, having small discharges at most, are retained by suitable dams so as to be compelled to reverse their flows over dividing ridges into other streams which discharge into the ocean without entering the canal; while others, still smaller in their volume of flow, are caught in receiving basins alongside of the canal prism and are discharged into it over masonry

weirs. By these means all the streams which affect the canal throughout its entire length are not only controlled at their flood stages, but they are also prevented from discharging silt into the canal prism. This result eliminates nearly all dredging required to maintain the channel prism, and correspondingly reduces the cost of maintenance.

In general the prism of the canal is designed to be 150 feet wide on the bottom, with a minimum depth of water of 40 feet, but for a distance of about 8 miles through the great divide cut known as Culebra, where the canal prism would be entirely in rock, the width is made 200 feet, with sides of the prism proper nearly vertical. In all other rock sections these dimensions are also found.

In firm earth the side slopes of the prism are taken at one vertical on one and one-half horizontal, which would make the width of the canal at the surface of the water 270 feet. These widths exceed any widths of maritime canals now in use in the world. The bottom width at 150 feet is greater than that of the turning out places in the Suez Canal. Ample width is thus afforded for the passing of large steamers without tying up on either bank up to a length of 500 to 550 feet, or possibly more. It would only be necessary for ships of that size to decrease speed and pass each other without actually coming to a stop. Great ships, 600 to 800 feet in length, would not pass each other in motion, but one would be obliged to tie up at the bank while the other passed. Inasmuch as there would be few of the latter size for a number of years, or perhaps many years, it is clear that the actual capacity of the canal for carrying traffic would scarcely be affected by the meeting of the largest ships stopping in the canal. It would not be necessary for a large ship to stop for the passing of a small one.

Nor would the capacity of the sea-level canal be materially affected by the presence of the tidal lock already alluded to at the Panama end. Inasmuch as the gates of this lock would be open at least one-half of the time, and that would mean a considerable portion even of the extreme spring tides, there could be no congestion, for any group of ships seeking the canal would be relieved during the period of the open gates. Within wide range, therefore, it may be assumed that the traffic capacity of the sea-level canal would be practically unlimited. If, however, it were desired at any time in the future to secure greater freedom of navigation, the desired widening or deepening of the canal could be made expeditiously and economically by ordinary excavation of those portions of the material to be removed above water and by well-known and economical methods of excavating either earth or rock under water.

The least radius of curvature in the sea-level plan is 8,200 feet, and the total curvature measured in degrees is but little different from that of the Suez Canal, only that many of the Suez curves are sharper. Taking the width of prism and its easy curvature, a free and ample waterway is offered for the greatest volume of traffic and for the largest ships which will seek the canal in the future. The Consulting Board recognizes the fact that ships 800 feet in length and of 88 feet beam are now being constructed, and, apparently, has extended its anticipation in the future to the construction of ships 1,000 feet long and of nearly or quite 100 feet beam. The sea-level canal, as planned and recommended, is sufficient to give convenient accommodations for the greatest traffic that can reasonably be anticipated, and for ships of the maximum dimensions stated. Such ships of maximum size could readily pass through the canal, as planned, but at a speed reduced below that which would be permitted for smaller ships.

Mr. President, the minority of the Board of Consulting Engineers, and those engineers who appeared before us, complained that the canal proposed by the majority of the Board was too restricted. That was an argument not appealing strongly to the majority of the committee, for the reason that the proposed prism of the canal at Panama is much larger than that at Suez, in which the largest war ships and commercial steamers conveniently pass. But that there might be an opportunity for practical business men, practical seamen, to express themselves, I secured some letters upon this subject, one or two of which I ask the Secretary to read, and ask that the rest be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary read as follows:

UNITED HARBOR NO. 1, AMERICAN ASSOCIATION
OF MASTERS AND PILOTS OF STEAM VESSELS,
OFFICE OF THE GENERAL MANAGER,
New York, May 10, 1906.

Mr. FREMONT HILL,
No. 17 State Street, New York, N. Y.

DEAR SIR: I have the honor to inform you that at our last regular meeting, held at Grand Opera House, May 5, 1906, the matter of lock canal and sea-level canal was taken up and most thoroughly discussed. I am directed to inform you that this association indorses the sea-level canal, for the reason that a ship can make very much better time

and not running the risk of damage to ship and cargo. This is the unanimous opinion of all present at the meeting and who have had experience with both sea level and lock canals.

Yours, very truly,

WILBUR E. DOW, Secretary.

Approved.

JOHN C. SILVA, National President,
American Association of Masters, Mates, and Pilots.

NEW YORK, May 11, 1906.

Senator A. B. KITTREDGE,
Washington, D. C.

DEAR SIR: I have been following closely the arguments pro and con on the sea-level and lock canal types, being much interested in a correct solution thereof.

Being of the opinion that two points, viz, "speed in passage" and "safety during passage," could be passed on best by those who are daily handling ships as masters and pilots, practical men whose views would eliminate the theoretical viewpoint, of which we have had a surfeit, I submitted the two points to the American Association of Masters and Pilots, with the inclosed result.

It is hardly possible that any sane man will set up his opinion contrary to the judgment of such men as these.

By reference to the Blue Book of American Shipping you will find that this association includes all the men in the United States who are in actual charge of the operation of ships.

Hoping that this opinion may have its proper consideration, I am,

Yours, truly,

FREMONT HILL, C. E.

NORTH GERMAN LLOYD STEAMSHIP COMPANY,
OELRICHS & Co., AGENTS,
New York, April 17, 1906.

The Hon. A. B. KITTREDGE,
United States Senate, Washington, D. C.

DEAR SIR: I beg leave to acknowledge receipt of your valued favor of 11th instant, relative to the type of canal to be constructed by the Government across the Isthmus of Panama, and would say that I have taken some time to give proper consideration to the important questions involved and have laid them before the masters of a number of the steamers of our line, who have had experience in the navigation of the Suez Canal, and also before other experts, who would be in a position to give an intelligent opinion as to the questions involved.

The replies that I give you are the result of my own consideration, as well as of the united thought of those whom I have consulted.

In reply to your questions I answer as follows:

(a) Which type of canal do you advise? A sea-level canal and no other.

The chief reason for this answer is the constant possibility of a derangement of or accident to the lock gates or other parts of canal locks, which would paralyze traffic and might place in jeopardy very valuable property.

The size and number of locks proposed in the Panama lock canal plan, in my opinion, render a comparison with the Soo Canal out of place. I am informed that the Dortmund-Ems Canal, in Germany, was closed for several months two or three years ago by an accident that put the hydraulic-lift lock on that canal out of commission. Such an accident might at any time occur on the Panama lock canal, and the results might be disastrous.

It is doubtful, in my judgment, if a large amount of tonnage to the East that would naturally use the Panama Canal, would not preferably take the Suez sea-level route rather than be exposed to the possible danger of delay, damage, and loss in a lock canal across the Isthmus of Panama. This applies, of course, to those lines of traffic in which the advantage of one route over the other in point of time is not too great a consideration, but it might involve a very appreciable loss in business to the Panama Canal.

It is an open question in my mind if our Government might not find itself obliged to insure or guarantee safe passage through the lock canal in order to secure a satisfactory amount of traffic.

In my judgment, the supreme importance of the Panama Canal to us as a nation lies in its use in time of war, and any delay or damage to war vessels in time of war in a lock canal might be fatal to the issue of a campaign and might involve consequences of extreme gravity to the nation. For this reason a sea-level canal appears to me to be absolutely essential to the future safeguarding of our interests on the Pacific, as well as on the Atlantic.

As well from an economic standpoint as from that of our safety as a nation, I regard the question of expense and also of time to weigh nothing, as compared with the advantages that would accrue to the United States by the construction of a sea-level canal. No other canal, in my opinion, is worthy of this nation.

To your second question (b), Would a sea-level canal of the dimensions proposed provide an adequate, safe, and convenient waterway? I answer "Yes."

My reasons are based upon the experience of shipmasters in the Suez Canal.

To your third question (c), Does the idea of passing your ship through the locks above described, being joined in flights of steps, impress you as attractive and practicable from the standpoint of facility, delay, and danger? I answer "No."

My reasons are based upon my experience in the management of steamships and upon the experience of shipmasters consulted.

With reference to the proposed tidal lock at Panama Bay, while I regret the necessity for any lock, I admit that the varying height of the tidal levels of the two oceans to be connected by the canal render such a tidal lock unavoidable. I assume that such tidal lock would be placed at some distance from the open sea, or would be protected by an adequate breakwater, so that the lock would be entirely uninfluenced by the varying conditions at sea and could be used in any weather.

Trusting that I have covered the ground sufficiently, I am, sir,
Your very obedient servant,

GUSTAV H. SCHWAB.

The remaining letters referred to are as follows:

W. R. GRACE & Co.,
New York, April 14, 1906.

Hon. A. B. KITTREDGE,
Chairman Inter-oceanic Canal Committee,
United States Senate.

DEAR SIR: We acknowledge your letter of April 11, and note the question which you ask us to deal with. In complying with this re-

quest we can not claim such knowledge as qualifies us to criticize the views of the eminent experts who, having gone over the ground, have made their reports, which were transmitted by the President to the United States Senate February 19, 1906.

Our standpoint is that of shippers and shipowners who will naturally use this waterway when completed.

To question "A" we answer: The voyage of a ship always is regarded as involving dangers, and the prudent shipowner seeks to minimize these hazards. In this view we regard the sea-level canal as being safest in respect to possible accidents and detentions, and consequently advise that type.

To question "B" we reply: In our opinion, the sea-level canal, having a bottom width of not less than 150 feet, curves of a minimum radius not less than 8,200 feet, with 200 feet width at the bottom, where the material excavated is rock, and a uniform depth of 40 feet, would be an adequate, safe, and convenient waterway.

To question "C" we reply: It appears to us, as stated in our answer to question "A," that the sea-level plan presents fewer dangers to navigation. We are not favorably impressed by the idea of passing through a large system of locks, having the safety of the ship in view, and the danger of such accidents to the locks themselves, as might obstruct the traffic or damage the canal itself, seems to us a very serious objection to that type.

Very truly, yours,

W. R. GRACE & Co.,
E. EYRE, Vice-President.

T. HOGAN & SONS,
S. S. CO. (LIMITED),
New York, April 16, 1906.

Hon. A. B. KITTREDGE,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your communication of April 11, answering your questions, I prefer a sea-level canal. I consider the dimensions proposed would be adequate, safe, and form a convenient waterway. With regard to question "C," I do not like the idea of passing large steamships through steps of locks, as there would be, in my opinion, an element of risk should even a slight accident occur to the lock gates, and, in addition, there would be more or less delay in handling a large number of steamers.

I must apologize for the delay in answering your communication, but I waited to obtain the opinion of our marine superintendent.

Yours, very truly,

CHAS. W. HOGAN.

PHILIPS BROTHERS & Co.,
AGENTS UNIONE AUSTRIACA DI NAVIGAZIONE DI TRIESTE,
New York, April 16, 1906.

Hon. A. B. KITTREDGE,
Acting Chairman Inter-oceanic Canal Committee,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of April 12 on the proposition as to whether the canal to be constructed by the Government across the Isthmus of Panama should be sea level or a lock canal, I would state in response to the stated questions:

(a) Without question in my mind, if cost is not to be taken into account, a sea-level canal is the more desirable, if for no other reason than that of the congestion it seems to me certain would result in the lock operation.

(b) I think the dimensions stated for a sea-level canal would prove adequate, safe, and convenient.

(c) Passing of ships through the locks described in your letter does not seem attractive, and, while doubtless practicable, for reasons stated in reply to "(a)" does not seem to me desirable.

Yours, respectfully,

HOWARD PHELPS.

Mr. KITTREDGE. Mr. President, a most important provision to be afforded by any canal across the Isthmus is that for the rapid and safe transference of a naval fleet of the United States Government from one ocean to another. The sea-level canal is the only one which can truly fulfill this condition. In an emergency requiring such transference all commercial traffic would be stopped in the canal, so that the fleet could rapidly pass through in procession from one ocean to the other without the delay of meeting other ships. If the conditions of the tide were such as to leave the tidal gates open a fleet of at least twenty or twenty-five ships could be passed through the canal in eight to ten hours, for manifestly the ordinary limitations put upon commercial traffic would not control the speed of naval vessels in an emergency. If the stage of extreme spring tides existed at the time of the desired transference both of the twin tidal locks would be in use, and the interval between two ships passing either lock would be but half that determined by a maximum lift or lowering of 10½ feet only.

The time of passage of a ship through the sea-level canal would not be much affected by the order of arrival of ships at either port, whether singly or in groups or fleets, as will be the case much of the time. Whenever such congestions of arrival should take place during extreme spring tides, that portion of those tides during which the gates would be open would so completely relieve the congestion that no ship would be waiting at the end of that period of open gates. The average time required, therefore, for the passage of ships through the canal, even if the average speed be taken no higher than 6 miles per hour, aside from such delays at either terminal as would be required for the receiving of supplies, completing ships' papers, and other similar delays of a business character, would not exceed eight to nine hours, including the passage of the tidal lock at the Pacific terminus whenever necessary.

The estimated cost of the sea-level canal, like that of the lock canal, is based upon unit prices fixed by unanimous action of the Board. The evidence taken before the Senate committee

shows that those unit prices are adequately high, and that there is even a probability of the work being done at unit prices less than those used in the estimates rather than more. The allowances for contingencies and for exigencies of construction are well considered and ample for the purpose. It may be confidently assumed, therefore, that the total cost of the sea-level canal will not exceed the estimate found in the majority report.

One of the most disputed points in connection with the proposed construction of this ship waterway is the estimated time required for the completion of the entire work. The majority estimate of time necessary for the completion of the sea-level canal is from twelve to thirteen years.

I will explain later regarding the way that was reached. As a matter of fact, from the testimony appearing before the committee, based upon the manner in which it was acquired, the majority of the Committee on Inter-oceanic Canals is convinced that a sea-level canal can be constructed in not to exceed ten or eleven years. Mr. Hunter in his letter, to which reference has already been made, states that that period, in his judgment, is ample for the completion of a sea-level canal, and that if the work is performed by contract and more than one shift each day is operated, the time can be considerably lessened.

Mr. DRYDEN. Will the Senator allow me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. DRYDEN. Did not Mr. Stevens, after being on the ground and speaking from practical observation of the conditions, state that, in his judgment, it would take from eighteen to twenty years to complete a sea-level canal?

Mr. KITTREDGE. Mr. Stevens so stated. Mr. Stevens also stated on the 16th of January, before the committee, that he was not at that time ready to talk to the committee regarding the type of the canal, explaining that at that time he had been so busy in administrative matters he had time to read only the majority report twice. One week later, on the 23d day of January of this year, he appeared before the committee and stated that since he had been before the committee he had had time to read the minority report twice, and upon that basis gave the testimony to which the Senator has made reference.

In that connection the former chief engineer, Mr. Wallace, who had been in charge of all the engineering work on the canal from May, 1904, until the 1st of July, 1905, testified that, in his judgment, from his experience and his observation and his calculations, a sea-level canal could be constructed within ten or eleven years. I call attention further to the statement of Mr. Hunter upon that point, and read from page 8 of his letter:

It is agreed on all hands that the duration of time required to complete the excavation of the length of 8 or 9 miles of the canal, commonly known as the Culebra cut, will furnish the measure of the time required for the completion of the sea-level plan, as from that length a quantity of excavation amounting to 110,000,000 cubic yards is to be removed, and as the removal of such quantity will be the major operation in the execution of the project.

It seems unnecessary to consider further the schemes for the removal of a part of this excavation by means of dredging operations; such schemes are wildly chimerical, and are based upon no experience.

The excavation must be effected in the dry, and I beg leave to refer to the diagram showing the manner and times of its removal, which is appended to the report of the Board.

In the preparation of the diagram it was assumed that there would be no limitation of plant; that all the plant which would reasonably be required would be furnished. It was further assumed that the ordinary working year of a steam shovel of three hundred days would be reduced to two hundred and forty days, owing to the climatic conditions of the Isthmus, and that owing to the same cause the daily output of each shovel—working during the day only, no night work having been included in the calculation—would not average more than 800 cubic yards. That is to say, that the annual average output of steam shovels of the exceptional size and power of those about to be employed in Culebra would not be more than 192,000 cubic yards. These figures are beyond the scope of reasonable and unprejudiced criticism, especially when the allowances made in the diagram for delay in getting into full work at the outset of the contractors' operations and for diminution of output toward the close of those operations are duly considered, and they show that the excavation of the Culebra cut can be completed in nine years.

I have added a year to this term for contingencies, and have thus arrived at the time of ten years for the completion of the sea-level canal, as to the feasibility of which I have expressed and do again express so confident an opinion.

Mr. MILLARD. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. KITTREDGE. Certainly.

Mr. MILLARD. I will state to the Senator that the chief engineer is now in the city, and he states that the testimony which he gave before the committee as to the different types of canal he stands by at the present time.

Mr. KITTREDGE. The examinations made by the Senate committee disclose the important fact that this estimate of time has been based upon results obtained in actual excavation work since the creation of the Isthmian Canal Commission about two years ago, under most disadvantageous conditions of exceedingly

deficient track conditions, ill-adapted plant, and incomplete organization. The estimate has further been made with allowance for extreme inefficiency of labor on the Isthmus, for the interruptions and damages caused to work during the rainy season, with provision for the usual laying off of excavating machinery and other plant for repairs and maintenance, and finally on the assumption of but one shift of laborers per day of eight hours only.

These elements of the time estimate show that the entire excavation of the great Culebra cut, which is the controlling element in the time required for the construction of the whole work, can be brought within ten years, to which period, however, an addition is made of 25 per cent, which was done by the Board of Consulting Engineers to secure, if possible, an agreement by the minority, giving the maximum period of construction of ten or twelve years only, as is found in the report.

When it is remembered that it is entirely feasible, and from some points of view desirable, to work two shifts per day during the greater part of the time at least, it is reasonable to anticipate that the sea-level canal could be constructed certainly in a period not exceeding ten to eleven years, and probably within a sensibly less time.

As has been stated, Mr. President, the minority of the Canal Committee has not as yet presented its views to the committee or to the Senate.

Mr. MILLARD. I will say for the benefit of the Senate and Senators that those having charge of the work for the minority have been unable to get their report ready. We hope to present it to the committee to-morrow afternoon.

Mr. KITTREDGE. What I shall say will be upon the assumption of the minority report following the plans proposed by the minority Board of Consulting Engineers and by the Isthmian Canal Commission, or a majority of that Board.

THE RECOMMENDED LOCK PLAN.

The recommended lock plan has a summit level to be maintained at an elevation of 85 feet above mean tide, chiefly by a great earth dam across the Chagres River at Gatun, 7 miles from Colon, but also by a lock and relatively small embankments or other approach works at Pedro Miguel, about 39 miles from Colon and 6 miles from Panama. The superficial area of this great terminal lake on the Caribbean side of the Cordillera is over 100 square miles. It receives directly the flow of the Chagres River and all the small streams tributary to it down to Gatun, the location of the dam, including the Gatun and Trinidad rivers.

A terminal lake on the Panama end of the canal called "Lake Sosa," with its water surface 55 feet above mean tide, is formed by three earth dams, one called the "Ancon-Corozal," another the "Ancon-Sosa," and the other the "La Boca dam," the latter extending across the Rio Grande estuary near the La Boca pier. The total superficial area of Lakes Gatun and Sosa is 118 square miles. The flood discharges of the Chagres River and all its tributaries, including the Gatun and the Trinidad, are received into the Gatun Lake, which constitutes therefore a complete control of the Chagres River. A waste waterway or weir with suitable controlling sluices is designed to be placed in the natural hills at one end of the Gatun dam, over which will be discharged the waste waters of the lake.

A wide channel leads from Cristobal Harbor to the Gatun dam, in which are constructed three masonry twin locks in series or flight, constituting the ascent to the summit level of the lake. Each lock has a usable length of 900 feet and a usable width of 95 feet and a maximum lift of about 28½ feet. As these three locks are in a flight or series a ship is lifted by three steps in rising from mean sea level to the summit level, each step constituting a lock. In the operation of either locking up to the summit level, or down from the summit level to mean tide, a ship would pass from one lock chamber directly to another without any space between.

In passing down from the summit level at its southern end there are also three twin locks, each of which has a maximum level of about 32 feet; one is located at Pedro Miguel and the other two are on the westerly side of Sosa Hill, the latter constituting a series of two locks. The increased lift of each of the three locks on the Pacific side is due to the fact that extreme low spring tide is taken to be 10½ feet below mean tide, making the total lift of that extreme low tide to the summit level 95½ feet. The lower of the two locks at Sosa Hill is partly a tidal lock, and it is reached by the wide approach channel leading to it from the deep water of Panama Bay precisely as the tidal lock of the sea-level plan east of Sosa Hill is approached by a similar channel.

In passing from Colon toward the Pacific the first feature of prominence in this plan is the great earth dam across the Chagres Valley at Gatun. This dam is a mound of earth rest-

ing directly upon the alluvial, sandy, and gravelly material found there after stripping the surface soil and vegetation growing upon it. There is no core wall or other device extending from the surface down to bed rock, or partially so, for the purpose of cutting off any possible underground seepage or flow of water which might be induced by the head of water of 85 feet produced by the lake behind the dam. The minority do not consider this a serious feature in the design of this dam, as involving hazard of its stability. The majority, on the other hand, regard this feature of the recommended lock plan with disapproval.

The testimony before the Senate committee showed a very strong feeling on the part of some of the members of the Consulting Board that the new conditions created by an unbalanced head of water of 85 feet behind the dam might induce a dangerous seepage or flow of water through the porous subsurface material under the dam, although the maximum thicknesses of the latter might be as much as 2,000 feet. Instances were cited in the testimony taken where such subsurface or underground flow is found in large volumes, even in the absence of any such unbalanced head of water as that acting upon the Gatun dam. These observations acquire much significance and weight in consequence of the fact, not disclosed on the plans submitted with the minority report, that the borings made at Gatun dam site show the subsurface material to be permeable and freely water bearing at various depths from 32 feet below the surface to about 250 feet, the deepest being 258 feet below the surface. This permeable material was found to be so freely water bearing at the various depths named that water flowed over the tops of the casing pipes used in the boring operations as the permeable strata were penetrated. The freely water-bearing character of these strata might lead to conditions highly dangerous to the stability of the dam. The building of such a structure on which the safety of the entire canal and the ship navigating it must depend would be most injudicious.

The Gatun dam site has an interesting history. The occasion on which the conclusion reached by the minority of the Board of Consulting Engineers regarding the location at Gatun was not the first time that this site had been considered. As early as 1878 it was seriously taken up by De Lesseps and his consulting engineers in Paris. I have here a history of those investigations, and I will briefly call attention to them and ask that the paper be printed in full in connection with my remarks.

The first mention made in the literature of the Panama Canal of the idea of constructing a dam at Gatun appears in the report of the International Canal Congress, held in Paris in 1878 under the auspices of De Lesseps. Mr. Kleitz, inspector-general of high roads and bridges, dissented from the views expressed by others favoring a sea-level canal, and urged that the Chagres Valley should be inundated, converting the same into an interior lake at an elevation of 78½ feet, proposing to maintain this level by a dam at Gatun, which, he remarked, was the point nearest the Atlantic which seemed to offer a favorable site for such a structure. This suggestion was disapproved by the technical committee.

The next was in 1880, when it was recommended by Mr. Welch and considered.

The third time it was considered was shortly before the collapse of the old Panama Canal Company, when De Lesseps, finding that company in financial difficulties, called together a number of his engineers to determine some cheaper method of construction. At that time he adopted a suggestion made by M. Eiffel, by whom it was proposed that a lock canal be constructed. The points proposed for the location of the dam by him were eight or ten in number. The one nearest to the Atlantic side of the Isthmus was at Bohio.

The fourth time it was considered was in 1889. At that time the old Panama Canal Company had gone into liquidation, and a liquidator had appointed a commission to study a plan and make recommendations. A lock at Bohio was proposed, but none at any lower point was considered feasible.

The next study for the canal at Panama was made by N. B. Wyse, to whom the original concession from the Republic of Colombia for the construction of the canal was granted, which was transferred by him to the old Panama Canal Company. He proposed six locks in the Panama Canal, three of which were to be at Bohio, and he rejected the idea of a lock at any lower point on the Chagres.

In 1892 Bunau-Varilla prepared a project for the completion of the work, and recommended a series of locks. The nearest lock to the Caribbean Sea on the Atlantic Ocean was at Peña Blanca, about 1 mile distant from Bohio toward the sea.

Soon after the organization of the New Panama Canal Company, which took place in 1894, a technical commission was appointed. That is the commission to which the Senator from

Pennsylvania [Mr. Knox] referred. The members of that commission were, as he has stated, Mr. Hunter, whose letter is upon our desks, and also General Abbott, who was one of the minority board of consulting engineers. As appears from a report dated November 16, 1898, they recommended a series of locks with a summit level at 90 feet, two of them at Bohio, and they signed this recommendation:

In the whole valley of the lower Chagres, between Gamboa and the sea, only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level.

At that time, as was stated in answer to the inquiry made by the Senator from Pennsylvania, it was supposed from the borings then made that solid rock could be obtained by going to a depth of 128 feet below sea level.

In 1898 the further fact appears that Chagres Valley at Gatun was filled with sand, gravel, clay, shells, and wood to the depth of 258 feet.

The first study of the Panama Canal under the authority of the United States Government was intrusted by the President to the Isthmian Canal Commission, of which Admiral Walker was chairman, and General Hains, General Ernst, and Mr. Noble were members. Mr. Noble, who was mentioned here, was a member of the minority of the consulting engineers who recommended the dam at Gatun. General Hains and General Ernst are members of the Isthmian Canal Commission who also recommend that Congress approve of the plan of locating a dam at Gatun.

Mr. DRYDEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. I do.

Mr. DRYDEN. Has not every project, with the exception of the original project of De Lesseps, contemplated the construction of a lock canal?

Mr. KITTREDGE. Every project after De Lesseps's proposition was for a lock canal, but the reason that a sea-level canal, as proposed by De Lesseps and the old Panama Canal Company, was abandoned was because of the lack of funds. The old Panama Canal Company found itself in financial troubles, and it went into the hands of a receiver. The New Panama Canal Company, being organized upon the ruins of the old, was anxious to construct the canal with the least possible expenditure of money.

Mr. DRYDEN. I ask the Senator if lack of funds troubled the United States Commission which recommended the several projects for a lock canal?

Mr. KITTREDGE. In 1899, when the Walker Commission, as it is called, was created and appointed, it was not for the purpose of locating canals and determining their types, but it was simply and solely for the purpose of recommending to this Government the location of an isthmian canal. Bear in mind, Mr. President, that upon the Walker Commission, to which allusion has been made, Mr. Noble, who is a member of the Board of Consulting Engineers, was a member of that Commission, and General Hains and General Ernst, who are members of the Isthmian Canal Commission, were also members of the Walker Commission.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. If it will not trouble the Senator from South Dakota—

Mr. KITTREDGE. Not at all.

Mr. CLAY. If it be convenient for him to do so, I should be glad if the Senator would state about what would be the difference in cost of the two types of canal—one a sea-level canal and the other a lock canal.

Mr. KITTREDGE. I shall be glad to do that presently when I reach that point in my argument.

Mr. CLAY. All right.

Mr. KITTREDGE. I will state it now, however, if the Senator so desires.

Mr. CLAY. Oh, no; it will be entirely satisfactory to me if the Senator intends to state it later.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. KITTREDGE. I do.

Mr. TELLER. I should like to suggest to the Senator from South Dakota, following the question which the Senator from New Jersey [Mr. DRYDEN] propounded, that the Walker Commission considered, first, the proposition as to a canal by the Nicaragua route, and not by Panama at all; and on the

Nicaraguan route there would necessarily have to be a lock canal.

If I may be permitted to say a word further, I will suggest that when the De Lesseps canal was determined upon by France every American engineer, without a single exception, based his objection to a sea-level canal on the ground that it was too expensive.

Mr. KITTREDGE. I am very grateful to the Senator from Colorado for recalling to my mind that fact. It has been accurately stated by him, of course.

Mr. DRYDEN. Mr. President, I wish to ask the Senator is it not true that De Lesseps collected, and had more money at his disposal to carry out his project of a sea-level canal than the majority report states will be necessary to build a sea-level canal?

Mr. KITTREDGE. Mr. President, it has been stated that there was squandered by the old Panama Canal Company the sum of \$260,000,000, and I hope that this Government will not have such an experience in constructing this canal.

Mr. DRYDEN. The point is that it was not lack of funds which influenced De Lesseps, for he had the funds.

Mr. KITTREDGE. Mr. President, in the beginning De Lesseps had ample funds, but in 1889, before any steps were taken toward the construction of a lock canal, the company had become bankrupt in fact, or, at least, it was in serious financial trouble.

Mr. DRYDEN. I was only speaking, Mr. President, of course, of the funds he had at the inception of the enterprise.

Mr. KITTREDGE. And he then was constructing a sea-level canal.

Mr. DRYDEN. Which he was not successful in carrying through.

Mr. KITTREDGE. Which he was not successful in carrying through at that time, Mr. President, because he failed in funds, and for no other reason.

The gentlemen whom I have named signed a report which contains a statement which I will read. To repeat, so that it may be well understood, Mr. Noble, a member of the Board of Consulting Engineers, now recommending to us this lock canal; General Hains and General Ernst, also members of the Walker Commission signing this report and now members of the Isthmian Canal Commission, recommending the lock plan, state:

No location suitable for a dam exists in the Chagres River below Bohio.

That is quoted, and it is found on page 62 of the Commission's report.

In the paper read before the American Society of Civil Engineers the late Mr. George S. Morison, a member of the Walker Commission and one of the most noted engineers in this or in any other country, stated:

All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for a dam by which the summit level must be maintained.

In 1904 Congress authorized the commencement of the work of the construction of the Panama Canal. A commission was appointed under the Spooner law. That Commission had an engineering committee consisting of General Davis, Mr. Burr, and Mr. Parsons; and they recommended, the chief engineer, Mr. Wallace, concurring, the establishment of a sea-level canal. The report was submitted to the Commission, and at one of its meetings in March, 1904, Mr. Harrod, a member of the first Commission and a member of the present Commission, who now recommends a lock canal, with the dam at Gatun, moved that the report of the engineering committee, as respects the type of canal, be adopted by the Commission. So that of the five members of the minority of the Board of Consulting Engineers now recommending that Congress adopt a lock canal, two—General Abbott and Mr. Noble—stated in writing that it was not possible to construct a dam nearer the sea than Bohio; and three—General Hains, General Ernst, and Mr. Harrod—directly, or indirectly in the case of Mr. Harrod, reached the same conclusion and put it in writing.

Gatun was again rejected by the Board of Consulting Engineers.

I ask to have this statement inserted in the RECORD at length, without reading.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The statement referred to is as follows:

MEMORANDUM.

1. The first mention in the literature of the Panama Canal of the idea of constructing a dam at Gatun appears in the report of the International Canal Congress, held in Paris in 1878, under the auspices of M. de Lesseps. M. Kleitz, inspector-general of highroads and bridges, a Government engineer of the French Republic, dissented from the view expressed by others favoring a sea-level canal, and urged that the Chagres Valley should be inundated, converting the same into an

interior lake at an elevation of 78½ feet, proposing to maintain this level by a dam at Gatun, which he remarked was the point nearest the Atlantic which seemed to offer a favorable site for such a structure.

This suggestion was disapproved by the technical committee appointed by M. de Lesseps and a sea-level canal was favored, thus disposing of the proposition to erect a dam at Gatun.

2. The next mention observed in the literature of a dam at Gatun was by Ashbel Welch, former president of the Society of Civil Engineers of the United States, who in 1880 proposed that an artificial lake in the Chagres Valley be maintained by a dam at Gatun, its height not mentioned. Mr. Welch refers to Mr. C. D. Ward, member of the Society of Civil Engineers, as having first proposed a dam at this place, but no action by anybody authorized to express an opinion on this subject appears to have been taken.

3. Shortly before the collapse of the old Panama Canal Company, M. de Lesseps, realizing that funds could not be raised in sufficient amount to complete the sea-level canal, adopted a suggestion made to him by M. Eiffel, who conceived the novel idea of constructing locks, to be located at various points along the canal line, these to be made of metal, the intention being to utilize them for the interoceanic transit for a few years and then to displace them and convert the lock transit into one at sea level. The points proposed for location of dams by M. Eiffel were eight or ten in number, the one nearest the Atlantic side of the Isthmus to be placed at Bohio.

4. In 1889 the old Panama Canal Company went into liquidation. The liquidateur appointed a commission, which made a study respecting the then condition of the works of the canal enterprise, and recommended to the liquidateur that the canal be completed, utilizing for this purpose all the work so far accomplished, but to introduce a system of lockage. A lock or locks at Bohio were proposed, but none at any lower point on the Chagres River. It was, of course, known to this commission that Gatun had previously been proposed for a dam and locks, but the liquidateur's commission rejected this idea.

5. The next study for a canal at Panama is embodied in a report made upon the proposition by N. B. Wyse, who was the officer of the French navy who had obtained from Colombia the original concession under which M. de Lesseps proposed to operate, and which concession is the basis of all work that has since been done at Panama. This gentleman proposed six locks in the Panama Canal, three of them to be at Bohio. He rejected the idea of a lock at any lower point on the Chagres. The report was addressed to the liquidateur of the old Panama Canal Company.

6. In 1892 M. P. Bunau-Varilla prepared a project for the completion of the Panama Canal. He proposed five locks on each side of the divide, the summit level to be raised to about 130 feet. The lock nearest the Atlantic side, recommended by M. Bunau-Varilla, was to be at Peña Blanca, about 1 mile below Bohio, but he suggested no lock at any point below Peña Blanca.

7. Soon after the organization of the New Panama Canal Company, which took place in 1894, a technical committee was appointed for the purpose of making a study of plans for the completion of the Panama Canal. The committee consisted of twelve eminent engineers. Included in that number were Gen. Henry L. Abbot, of the United States Corps of Engineers, and Mr. Hunter, recently member of the Board of Consulting Engineers for the Panama Canal. This committee reported to the New Panama Canal Company on November 16, 1898, and recommended a series of locks with a summit level at 90 feet. The locks on the Atlantic side were to be located two at Bohio and two at Obispo, but none at any point on the Chagres below Bohio, thus again rejecting Gatun as a site for a dam and locks. The report of this technical committee, which he it remembered was signed by General Abbot, contains the following:

"In the whole valley of the lower Chagres, between Gamboa and the sea, only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level." (See page 97, Part II, data on Panama Canal submitted to the Board of Consulting Engineers by the Isthmian Canal Commission September 1, 1905.)

In 1898 it was not known that the Chagres Valley at Gatun was filled with sand, gravel, clay, shells, and wood to a depth of 258 feet; yet General Abbot now thinks this site for a dam is available and suitable.

8. The first study made of the Panama Canal under United States Government authority was entrusted by the President to an Isthmian Canal Commission, of which Admiral Walker was chairman and Generals Hains and Ernst and Mr. Noble were members, and its report is dated November 16, 1901. A lock canal was proposed by this commission, with summit level at 90 feet, to be maintained by locks on each side of the Isthmus. With respect to location of locks, the Commission remarked in its report: "No location suitable for a dam exists in the Chagres River below Bohio." General Hains and Colonel Ernst, present members of the Isthmian Canal Commission, signed this report. (See page 62 of the Commission's report, Government print.) In a paper read before the American Society of Civil Engineers on the 5th of March, 1902, Mr. George S. Morison, a very distinguished American engineer, who had been a member of the Walker Isthmian Canal Commission, remarked: "All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for a dam by which the summit level must be maintained." It therefore appears that the Isthmian Canal Commission unanimously and Mr. Morison specially rejected the idea of a dam at Gatun.

9. In 1904 Congress authorized the commencement of the work of constructing the Panama Canal, having previously purchased all the rights and franchises and property that belonged to the old French companies, and having acquired a right of way from the sovereign Republic of Panama. This Commission as a body never took any definite action with respect to the type of the canal that was to be constructed beyond ordering new examinations and consideration; but an engineering committee of its own members, consisting of Messrs. Burr, Parsons, and Davis, in February, 1904, recommended, the then chief engineer concurring, that no lift locks be utilized in the transit route that the Government was proceeding to construct, but, instead, that the canal be made at sea level. The report of this engineering committee was submitted to the Commission, and at one of its meetings in March, 1904, Mr. Harrod moved "that the report of the engineering committee as respects a type of canal be adopted by the Commission." (See p. 426, Proceedings of the Isthmian Canal Commission.) Action, however, upon this resolution was confined to a reference of the subject to a committee on engineering plans of the whole Commission, and no further action by the Commission has resulted.

10. Under authority of the President, by Executive order dated June 24, 1905, a board of consulting engineers was appointed "for the purpose of considering the various plans proposed to and by the

Isthmian Canal Commission for the construction of a canal across the Isthmus of Panama." This board consisted of eight American and five European engineers, the latter nominated, by request of the President, by the diplomatic representatives of foreign governments, and their report has been submitted to Congress. All plans for a canal at Panama that were on file in the office of the Isthmian Canal Commission were considered by the Board of Engineers. Their report is dated January 10, 1906, and a canal at sea level was recommended by the Board, the report being signed by eight of the engineers composing it. But a minority report was submitted by five of the members, recommending a lock canal, three locks on either side of the Isthmus, with summit level at 85 feet. In the report of the minority of this board Gatun was selected as the site for the three locks on the Atlantic side, this summit of 85 feet to be maintained by a high earth dam at this point and the valley of the Chagres submerged and inundated throughout its whole extent, the lake extending nearly to Alhajuela. The majority of the board, eight to five, strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in a treatment of the question was objectionable from many points of view; and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduced an element of great danger, since the dam, without sheet piling, was proposed to be founded on the alluvial-filled gorges of the Chagres River, where the depth at one point extended 258 feet below the level of the sea.

Of this minority one member, Mr. Noble, was a member of the former Isthmian Canal Commission, who, as above stated, had reported that Bohio was the lowest point on the Chagres where a dam was practicable.

11. The report of the Board of Engineers was reviewed by the present Isthmian Canal Commission, which then and now comprises Major Harrod and Generals Hains and Ernst. These three engineer members indorsed the recommendations of the minority of the Consulting Board for the lock canal with dam at Gatun, while Admiral Endicott, the fourth engineering member, indorsed the views of the majority for a canal at sea level.

It appears that in March, 1905, Major Harrod was, as above shown, opposed to any lock plan, and that his two associates favoring locks and the dam had said in 1901 that no proper site for a dam existed below Bohio.

It therefore appears that every consideration of the Panama Canal type by any unauthorized body, either corporate or governmental, rejected the idea of a dam at Gatun, and its indorsement is confined to a minority of the Board of Consulting Engineers which was called by the President to advise him upon the type of canal that ought to be adopted, and to three members of the Commission who had previously either been in favor of a sea-level canal or who had said, in effect, that Gatun was not a proper site for any dam.

Those who earlier proposed Gatun as a dam site, Messrs. Kleitz, Welch, and Ward, had no technical information whatever as to the physical characteristics of this site. Had these three engineers known that the dam would have to be nearly a mile and a half long, and that the alluvium in the gorge upon which the structure was to rest was 258 feet deep, it may be safely doubted if they would ever have proposed so hazardous a project.

Mr. KITTREDGE. In this connection I will read a few sentences from the report of the Board of Consulting Engineers upon the subject of the Gatun dam. They say:

The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams. The Board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The Board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

In the face of these facts, Mr. President, with this record before them, it remained for the minority of the Board of Consulting Engineers to advise the Congress to recommend the construction of a multilock canal, with locks of absolutely unprecedented size and yet of dimensions too small to fulfill the requirements of the present statutes.

Mr. OVERMAN. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. KITTREDGE. Certainly.

Mr. OVERMAN. Do I understand the Senator to say that the engineers who said that a dam could not be built at Gatun now recommend a lock canal with a dam built at Gatun?

Mr. KITTREDGE. That is true, Mr. President, in the case of General Abbot, a member of the Board of Consulting Engineers; that is true in the case of Mr. Noble, a member who signed the minority report of the Board of Consulting Engineers; it is true of General Hains and General Ernst, who signed the majority report of the Isthmian Canal Commission, and it is true by indirection in the case of Mr. Harrod in the manner I have suggested.

Mr. OVERMAN. Do they give any reasons for the change in their recommendation?

Mr. KITTREDGE. None whatever, except that they had changed their minds.

Mr. DRYDEN. And I suppose, Mr. President, that they have changed their minds because further investigation and a more complete knowledge of the conditions there convinced them that the dam could be built at Gatun.

Mr. KITTREDGE. The dam can be built there, Mr. President. The question is, How long will it stay if it be built?

Mr. BACON. I should like to ask the Senator in that connection—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. BACON. If the dam should be built and by any possible contingency it should be swept away, what would be the result as to the construction of the canal?

Mr. KITTREDGE. The dam would be ruined completely and absolutely.

Mr. BACON. The dam would be ruined, of course; but I am speaking of the canal itself. What would be the effect on the canal?

Mr. KITTREDGE. The canal itself would be ruined, because the Gatun dam is the key to the integrity of the entire work.

Mr. BACON. In other words, the maintenance of the dam is necessary to preserve the water level?

Mr. KITTREDGE. Absolutely. It would be by means of this dam that the water would be raised to the height of 85 feet, thus enabling the shipping to pass across the Isthmus.

Mr. BACON. That was the fact I wished the Senator to state.

Mr. DRYDEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. Yes.

Mr. DRYDEN. It can be just as appropriately asked, What would happen in case the dam at Gamboa should be carried away? Of course, if the foundation and everything else connected with any structure is carried away, there will be ruin in the pathway; but it will be shown before this debate closes that some of the greatest authorities in the world upon dam building have staked their words and their reputations that a dam at Gatun can be built which will endure any attack upon it by the Chagres River under the most violent conditions that have ever been recorded with regard to that river.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Will the Senator permit me to first answer the question of the Senator from New Jersey?

Mr. KNOX. Certainly. I did not understand that a question had been asked.

Mr. KITTREDGE. It had been, as I understand. If the dam at Gamboa be destroyed, which by no possibility will happen any more than in the case of the Croton dam near New York City, or the simplest dam that you can find on any river in the United States, the canal itself would not be destroyed. Upon the question if eminent engineers have not recommended the Gatun dam, I agree with the Senator that they have. The minority of the Board of Engineers have told us by their report and in oral testimony before the committee that that dam would stand. My point in reference to it is that the fact that just as eminent engineers say that it will not stand creates such a doubt in reference to its stability that this Congress ought not to take any chances upon a structure that is the key to the integrity of the entire work. I now yield to the Senator from Pennsylvania.

Mr. KNOX. I wish to ask the Senator if it is not true that Mr. Barclay Parsons, who is one of the most eminent engineers who favor the sea-level canal, testified that his objection to the lock canal did not depend upon any doubt as to the stability of the dam at Gatun; and did he not, in reply to the specific question, say that he thought the dam at Gatun would be a stable dam?

Mr. KITTREDGE. Mr. Barclay Parsons so stated in substance. He also stated—I read from page 1786 of the testimony, in reply to a question asked by the Senator from Florida [Mr. TALLIAFERRO]:

Senator TALLIAFERRO. Do you consider the dam as proposed by the minority at Gatun, is it not?

Mr. PARSONS. At Gatun; yes.

Senator TALLIAFERRO (continuing). Do you consider that a safe dam?

Mr. PARSONS (after a pause)—

I do not read it all, but it is in substance as the Senator has stated—

I do not know that I quite go to the length that some of them do—Speaking of the integrity of that structure—

but when you have a question mark opposite the key detail of your whole structure one naturally hesitates.

That was the testimony of Mr. Parsons.

Mr. KNOX. Will the Senator be kind enough—he has the testimony before him and I have not—to read what Mr. Parsons

replied to the question that I asked him specifically whether it would be a stable dam? If the Senator has not the testimony at hand, of course I will not ask him to read it.

Mr. KITTREDGE. I have it; but the Senator, Mr. President, has stated with substantial accuracy Mr. Parsons's testimony upon that point.

Before leaving the point suggested by the Senator from Pennsylvania, I submit that Mr. Parsons's testimony is absolutely against the Gatun dam. He covers and touches upon the precise question that must appeal to every thoughtful man, and that is, in a great work of this kind, why leave any one of the great structures in any possible doubt? If a man has a business proposition that he may accomplish by pursuing either of two ways, one a safe way and one involved in doubt, it requires no statement from me to convince, I hope, every Senator that the man of prudence takes the safe course, and that is the course the majority of your Committee on Inter-oceanic Canals have advised the Senate to take. Eliminate all the doubtful, unusual, and untried propositions that are involved in the construction of a lock canal at Panama and take the safe course, the sea-level course, where every doubtful, unusual, untried, and experimental proposition is absolutely eliminated.

With a sea-level canal there is left a single simple question—the excavation of an immense quantity of material, it is true, but not so much that this Government, strong in resources, should balk at the proposition of digging out a few miles of rock and earth.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. I do.

Mr. CLAY. Do I understand the Senator to say that the majority of the committee recommend a sea-level canal because, in their judgment, a lock canal would be unsafe? And do I understand the Senator to say that a majority of the Board of Consulting Engineers take that course, basing their report upon the fact that the lock canal would be unsafe?

Mr. KITTREDGE. The Senator is absolutely right. I might go further and state that there are other reasons in addition to the one suggested, but that is the prime reason.

Mr. DRYDEN. Will the Senator from South Dakota permit me?

Mr. KITTREDGE. Certainly.

Mr. DRYDEN. I suppose the Senator will admit with equal grace that the minority members of the committee do not concede any such thing?

Mr. KITTREDGE. We are not advised what their course is.

Mr. DRYDEN. You will be.

Mr. MILLARD. The Senator will be.

Mr. KITTREDGE. We will be by to-morrow, I am told.

Mr. MILLARD. We expect so.

Mr. KITTREDGE. Mr. President, I turn to the testimony of Mr. Parsons and will read a few sentences in connection with the lock feature of the canal, which I had not yet reached.

Senator DRYDEN. Do you consider that the flights of locks, as provided by the minority, are dangerous or impracticable?

Mr. PARSONS. I consider them exceedingly dangerous, Senator.

Senator DRYDEN. You think that the machinery is liable to get out of order so that there will be difficulty in operating the locks?

Mr. PARSONS. It is not merely the question of machinery; it is the question of human fallibility. Take the Manchester Canal, for instance. There have been three cases in the history of that canal where vessels have actually gone through a lock.

Senator DRYDEN. Gone through? You mean where they have broken it down?

Mr. PARSONS. They have broken it right down—charged and gone through; and the day will come at Gatun—it may not come the first year, it may not come for ten years, it may not come for twenty years, but that it will come I do not think there is the slightest doubt—when some steamer will go plunging down that ladder.

Senator DRYDEN. And the effect of that would be to put the locks out of business for a long time?

Mr. PARSONS. The effect of that would be to put the canal out of business for a period of anywhere from one to five years. In other words, you would have to rebuild the locks; you would have to refill the lake; you would have to reconstruct the channel below the locks, to say nothing of the damage that would result from such an accident.

Senator DRYDEN. I understood you to say that such an accident would delay the use of the canal for from three to five years, possibly?

Mr. PARSONS. Probably. You would have to reconstruct the canal.

I will not read further, because it is plain to every Senator, and substantially the same facts appear in the letter from Mr. Hunter, to which reference has been made.

Passing now from Gatun to the dams on the Panama side, the same general considerations and corresponding hazards to stability are applicable to a more or less degree to the earth dams designed to be built in the same general way at the Pacific end of the canal for the creation of Sosa Lake, involving the same grave hazards to stability, except that the La Boca dam would rest upon the slippery mud and silt found at the mouth of the Rio Grande estuary. In consequence of this latter condition the majority of the Consulting Board regard the stability

of that dam to be further endangered by the possibility of its being pushed completely out of position by this mud and silt acting as a lubricant, in spite of its great mass.

Returning for a moment to the Gatun dam, although perhaps I have dwelt at too great length upon it, the minority propose simply to strip off the surface of the earth, the decayed vegetable matter, for a depth of from 10 to 20 feet, and on that foundation—not pretending to go to solid rock, because it is an impossibility, not pretending to put down any core wall or any other means to cut off the seepage of water, or further protect the dam—to pile in this mountain of earth, as it is, upon a foundation of the character I have mentioned. And the same is true at Panama, with the further additional fact that the surface at that point is of the character just stated.

When it is remembered that the actual existence of the entire canal, as designed in the recommended plan, would depend wholly upon the safe maintenance of these terminal lakes, it will be seen that any element of the situation which hazards the existence of those lakes jeopardizes not only the safety but the actual existence of the entire canal. It is a grave question whether the United States Government should enter upon an expenditure amounting in the total to nearly \$200,000,000 for the attainment of a project the very existence of which is threatened by so serious a danger.

The flight or series of three locks at the Gatun dam, which must be passed by any ship using the canal, is a dangerous menace to the safety both of the canal and of the ships seeking its use. It has been the experience of every lock and lock canal, as exemplified by the Manchester Ship Canal and the great locks at Sault Ste. Marie, that ships will inevitably be brought into dangerous collision with lock gates in consequence of the engineman misunderstanding the signals given by the pilot. The latter may signal to go ahead or to stop or to reverse, and in each instance the engineman may misunderstand the signal and do precisely what he has been signaled not to do. A considerable number of serious accidents of this kind have been brought out by the Consulting Board. Three times have the lock gates at the "Soo" been put in serious jeopardy in precisely the manner described, and this experience has been more than duplicated on the Manchester Canal. On a number of occasions the complete wreckage of the gates in the one case, and putting the canal out of commission in another, has been narrowly escaped. If serious accidents can occur in the single lock (the Poe lock) at the Sault Ste. Marie, where ships run practically on schedule time and pass and repass so often as to make the passage of the lock a matter of weekly or fortnightly routine, they would be practically certain, with much greater frequency, in the six great locks in the Panama Canal, each with 50 per cent greater lift than at the "Soo."

As pointed out in the majority report, a ship might easily ram the gates of the upper end of the Gatun locks and plunge down through the whole series of three, destroying the lock gates and itself, and destroying the canal, as well, by draining the summit level. The possibility of such a catastrophe is greatly enhanced by the fact that both shipmasters and crews would be unfamiliar, in consequence of rarely visiting the Panama Canal, with the operation of locking up and down through these flights or series of locks. Nor would it be safe to pass ships up and down the Gatun lock flights by permitting one ship to follow another as closely as possible, a procedure which would put two ships at the same time in the flight separated at most by one lock chamber. So much hazard would attach to this operation that doubtless traffic regulations would be so made that but one ship only would be permitted in one series or flight at a time. While this would enhance the safety of the ships using the locks it would also materially increase the time required for the passage of the ships.

The hazards to passing ships would become more serious still if it were desired to put a fleet of United States naval vessels through the canal in the shortest possible time in consequence of some pressing exigency. In any case there would be great danger of losing a ship by accident and putting the canal out of commission at the same time. All these hazards are too great to be permitted if it is feasible to build a canal in which they are avoided. These hazards are enhanced in the proposed plan by the fact that ships 850 to 900 feet long can not pass the upper lock of the Gatun flight without dispensing with the use of the safety gate. In other words, the safety gate can not be employed when it is most needed—that is, with the greatest ships.

In this connection I ask to have inserted, without reading, two letters from Mr. Parsons upon the subject of earthquakes, calling attention simply to the last sentence in one letter, in which he says:

As I wrote you in my last letter, I am more than ever convinced since the earthquake—

Referring to the California earthquake—

that our Government should not expend its money in a canal with elaborate locks. If the Government does so, it will regret it and will undo the mistake at a later period at a very greatly increased cost.

I also present a little memorandum upon the subject of earthquakes and their possible effect, and I also call the attention of Senators to Senate Document No. 264 of this session of Congress; and, if I may be pardoned the further suggestion, this subject is briefly treated in the report of the majority of the Committee on Inter-oceanic Canals, accompanying this bill, to the Senate.

The VICE-PRESIDENT. Without objection, the matter referred to will be inserted in the RECORD.

The matter referred to is as follows:

60 WALL STREET, NEW YORK, April 19, 1906.

MY DEAR SIR: The terrible disaster that has occurred in San Francisco should be considered in connection with the Panama Canal. While it appears from the papers that there was no disturbance of the ground or any movement in the hills which compose San Francisco sufficient to produce topographical changes, or that would have altered any channel cut through the hills, nevertheless the disturbance was sufficiently great to throw down houses and destroy great masonry buildings, such as the city hall.

Had a similar movement, or even one of very much less intensity, occurred at Panama, while the canal itself would not have been damaged, it is a certainty that the lock mechanism and the lock gates would have been disturbed enough to have stopped them from working, even though they had not been damaged enough to permit water to pass through. In the case of the three-lock scheme this would have involved at the minimum the drawing off of the water from the upper level, and might have involved the destruction of the canal.

Of course this was all gone into in the testimony taken by your committee, but I call it to your attention so that the committee may have it fully in mind when they come to make a decision.

The building of three locks in flight is, in my mind, as I stated to the committee, an absolutely unwarrantable risk for the United States Government to take.

Very truly, yours,

WM. BARCLAY PARSONS.

HON. ALFRED B. KITTREDGE,
Committee on Isthmian Canal Affairs,
United States Senate.

60 WALL STREET, NEW YORK, April 24, 1906.

MY DEAR SENATOR KITTREDGE: I have your letter of April 20, which has been unanswered on account of my absence from the city.

I do not consider that either the Gamboa dam or the Gatun dam would have been injuriously affected by such an earthquake as they had in San Francisco. To throw down a dam of the dimensions of either of these dams would be practically impossible. A dam that is built of masonry could not be destroyed, and the worst that could possibly happen to it would be a crack, which would allow the reservoir behind it to leak off; the dam itself would not be washed away. In the case of an earthen dam, especially where the foundations could not go to rock, it is conceivable that a great earthquake might open the underlying seams of impervious material and allow a dangerous amount of water to escape. A big crack in an earthen dam would allow the water to rush through and wash the dam away, as was the case at Johnstown. Personally I should not be afraid of either dam.

With the locks, however, the case is quite different, and an earthquake, such as they had at San Francisco or even one of much less intensity, would throw the lock mechanism out of order, and might throw the locks themselves so much out of position as to draw off the water in the summit level, which it would take a year to replace. With the locks all located at one place, as the minority report proposes, I think it is safe to assume that such an earthquake as the one we have just had in San Francisco would have rendered the canal useless for some months.

It is true that a tidal lock would also have been damaged, but even if the tidal lock had been destroyed the canal would still have been serviceable. During the neap-tide period, or one-half of the month, a tidal lock is not necessary, and during the spring-tide period a tidal lock will not be necessary except at the extreme range of high and low water for three or four hours of the twenty-four. Herein lies the great advantage of the sea-level canal. The damage to its lock is not fatal.

As I wrote you in my last letter, I am more than ever convinced since the earthquake that our Government should not expend its money in a canal with elaborate locks. If the Government does so, it will regret it and will undo the mistake at a later period at a very greatly increased cost.

Very truly, yours,

WM. BARCLAY PARSONS.

HON. A. B. KITTREDGE,
United States Senate, Washington, D. C.

EARTHQUAKES.

The most pertinent discussion of the danger to the Panama Canal from earthquakes, found in the canal literature, will be seen in the report of the first Walker Commission, pages 113-114 of the Government print, as follows:

"The effect of the undulations of the earth's surface upon any structure increases with the height of the structure above the ground. A force which would leave the foundation intact might throw down a high wall.

"The works of the canal will nearly all of them be underground. Even the dams are low, compared with the general surface of the country, and with their broad and massive foundations may be said to form part of the ground itself, as they are intended to do. The locks will all be founded upon rock. It does not seem probable that works of this kind are in any serious danger of destruction by earthquakes in a country where lofty churches of masonry have escaped with a few minor injuries.

"It is possible and even probable that the more accurately fitting portions of the canal, such as the lock gates, may at times be distorted by earthquakes, and some inconvenience may result therefrom. That contingency may be classed with the accidental collision of ships

with the gates, and is to be provided for in the same way—by duplicate gates.

"It is possible also that a fissure might open which would drain the canal, and, if it remained open, might destroy it."

In the report of the majority and minority of the Board of Consulting Engineers, and in the canal hearings before the Senate committee, are references to the danger to be apprehended from earthquakes and their effects upon the different structures proposed. The dangers to be apprehended from these earth shakes that have been forecasted are the following:

1. A disturbance of the alignment of the lock walls, either by overthrowing, cracking, or tilting them.
2. The fissuring or overthrowing of masonry dams.
3. The formation of fissures in earthen dams.
4. The sliding into the canal of the upper masses of earth and rocks along the deep excavations at Culebra.

The masonry work least liable to destruction or serious injury is a masonry dam reinforced with steel bars, with wide base founded upon rock and joining two or more hills of rock, or of a masonry core wall similarly strengthened and founded, also reinforced or buttressed, one might say, above and below with great masses of earth piled against it. This proposition is obvious.

The Culebra upper slopes might, if previously saturated with water from long rains and followed by a quake, become loosened and slide into the canal; but the only earth on those slopes at all liable to such action is the upper strata at Culebra, and the danger from its loosening or sliding is precisely as great with a lock type as with the sea-level type. The lower rock masses will be no more liable to move than are the hill slopes, which are as nature, through the ages, has left them, and they are found all along the isthmus near Culebra with slopes sometimes almost vertical.

If an earth wave passed the site of an earthen dam on an alluvial base with a high head of water against the structure, disaster would almost certainly result.

If such a wave passed the site of a lock or a double series of them—six in all, which, empty, would show parallel walls over 40 feet high above water and 40 feet below—the alignment would almost certainly be disturbed, to say the least, so that the gates would not close, for any movement at all would almost certainly result in tilting the walls inward or toward one another. Extra gates, prepared against such an emergency, would be useless, for no one could say to what extent the tilting or leaning might go, and the new gates would not fit, for the former vertical walls would be so no longer.

Again, such a wave would almost certainly result in the fracture of the filling and emptying pipes, conduits, or tubes, relied on to let in and out the lockage water.

The above is all that can be said or predicted respecting the effect of earthquakes on the Panama Canal.

The least structures there are the safer the canal will be. A ditch is less liable to disturbance than any structure.

The accounts we have read of the San Francisco earthquake tell us that the destruction was greatest to those buildings founded on filled in material and on the low alluvial material. They also tell us that the water pipes fetching water, relied on for extinguishing fires, though buried in earth, were cracked and broken and the whole system of water supply put out of commission for many days—a result that could easily and almost certainly be foretold at Panama of the cast-iron conduits or pipes used for filling and emptying the Gatun, Pedro Miguel, and La Boca locks.

Mr. KITTREDGE. The small map at the left shows the number of borings that have been made under the proposed Gatun dam site and the locks at that point. An examination of the map will disclose the fact that in that area of ground, a mile and a half long and a half mile wide, and under these great locks as the minority propose to construct them, they have taken not over forty borings to determine the character of the foundation upon which they propose to rest that great dam, and especially the lock structures. They propose to construct locks having a usable dimension of 900 feet in length and 95 feet in width, three in flight, and the lock structure, the guard walls, approach walls, and all the other necessary elements of that design will make a structure more than 1 mile long. It will be observed, if one examines the map, that with one or two exceptions not a boring has been made under the site of the proposed locks at Gatun to determine the foundation.

In this connection I again remind the Senate of the fact that four years ago before the Inter-oceanic Canal Committee, as well as in the report of the Walker Commission, filed in November, 1901, it was confidently and positively stated that at Bohio a solid rock foundation could be secured at a depth of only 128 feet. When Mr. Wallace visited the Isthmus to begin his operations as chief engineer and began his explorations, he discovered that the rock at Bohio, instead of being 128 feet, as stated, was 168 feet, a depth that absolutely precluded the possibility of a dam at Bohio with a rock foundation.

I now present and ask to have incorporated in my remarks a statement from the address of Mr. William R. Hill, the engineer in charge of the Croton dam, the great water reservoir for the city of New York. It gives his experience in the foundation of that structure. I will read just a word:

Such a structure—

Referring to the Croton dam, where they made a few borings and put up their wall, and it appearing defective, caused them to take it down because they discovered trouble not anticipated—

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all its dangerous features. The engineer might apply in vain to science for aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

The same would be especially true in any dam at Gatun and the locks connected with it, as well as the dams on the Panama side.

The matter referred to is as follows:

Before the writer assumed the responsibility of this work, the foundation of the stone dam had been completed to the surface of the ground and the core wall had been completed, excepting the stretch between the stone dam and the gate house, which lacked about 60 feet of its height.

In the spring of 1901 this core wall cracked in five places within a length of 100 feet. This caused the writer to believe that some serious disturbance had taken place, as in his opinion the cracks were too close together to be caused by contraction. After close study of the conditions there was no conclusion to be arrived at except that there was a fundamental weakness here, and therefore it would be unsafe to proceed with the work. This close study brought to view objectionable features of the plans of the embankment and core wall, the most conspicuous of which were three. First, the excessive height, narrow base, and unstable foundation of the embankment; second, the great height of the core wall, and, third, the double means afforded the water to reach the core wall.

To take up the first, the embankment: It was to be 150 feet high and only 650 feet thick at the base. This section would be not only about 40 per cent higher than any heretofore built, but in comparison with other high embankments its base was narrow for its height. As an example, the Amawalk dam, which forms one of the upper Croton reservoirs, while only about half the height—85 feet—yet has a base even wider than that of this embankment of unprecedented height. And further, this embankment was hazardous because of the unstable nature of its foundation. It was founded over a great refilled pit, which was 360 feet wide at the top, 170 feet at the base, and 70 feet deep. This pit was a necessary excavation for the foundation of the end of the stone dam, which was 164 feet wide at the base, as before stated. It would be impossible to refill this pit as compactly as original ground; hence the safety of the reservoir was dependent not only on an embankment of a problematic section, but this problematic section rested upon an unstable foundation.

The second of the objections: The core wall of this embankment was 200 feet high and with no lateral protection or support from original ground whatsoever, as the artificially placed earth on each side of the wall had the height of the wall itself, 200 feet. Considering the height of the wall, and this in artificially placed earth, it could be but an experimental structure, inasmuch as it would be about twice the height of any heretofore built.

The third objection, the double means afforded the water to reach the core wall. This is another serious objection, as the water, by starting at the end of the embankment in the reservoir and following between the face of the stone dam and the embankment would inevitably reach the core wall. It would be impossible to puddle or otherwise compact the embankment against the dam to prevent this, as settlement would surely follow in any embankment of this great height. This objectionable feature here exists because of the combination of a stone dam and an embankment, while it could not exist in either a continuous stone dam or, on the other hand, a continuous embankment and core wall. As to the second channel by which the water could reach the wall there is also little doubt, for it would be afforded freer access through the refilled material of the great pit than it would have in ordinary cases, where the wall below the original surface of the ground is in a narrow trench and protected by original soil. It would be useless to consider any proposition to increase the width of the embankment, because the means afforded the water to reach the core wall along the face of the dam would always remain. This is a most dangerous feature, as the core wall would not have sufficient weight or strength to resist the pressure of the water that would come against it.

A fourth objection might here be stated, namely, the permeable and light character of the earth of which the embankment was made, but even with the best of material, an embankment so constructed would be insecure.

Thus it will be seen that the safety of this reservoir was dependent not only upon an embankment of a problematic section, resting upon an unstable foundation, but also upon a core wall of phenomenal height, unprotected and unsupported by original soil and attended with the greatest of all possible risks—that is, the means afforded water to reach the center of the embankment against the core wall.

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all its dangerous features. The engineer might apply in vain to science for aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

The failure of this embankment might not only create a devastating flood in the valley below, but also cause a current above of such irresistible velocity as would destroy the earthen part of the old Croton dam, thus at once cutting off the supply of water to the city until the old dam could be repaired, and in addition postponing indefinitely the time when the city could have the additional supply of water which the enlarged reservoir was to furnish.

Mr. KITTREDGE. Mr. President, furthermore, it is shown in the testimony taken that inasmuch as the summit level of a lock plan is necessarily of fresh water, the locks proposed by the minority do not afford sufficient depth of water in them to pass ships drawing 38 feet of water, which the largest ships now building will require.

A large portion of the lake channels contemplated in this plan have submerged banks, which are sources of much danger to navigation. These dangers, it is true, may be lessened by buoys, if they are placed sufficiently near together. The submerged banks of such channels, however, do not lose all their dangers by buoying even when those buoys are comparatively close together, as the eye of the pilot is not clearly informed of the limits of a channel by anything short of a continual visible bank. Whenever submerged banks are found it is customary, in order to avoid as much danger as possible, to give as much increased width as practicable. This has been done in the recommended plan, but there still remain the dangerously objectionable features of submerged channels, which experience

in the interlake navigation through St. Marys River and the shallow portions of Lake Huron and Lake St. Clair has shown by years of inconvenience and many groundings, should be avoided whenever practicable. A continuous visible bank is such a sure and unerring guide for a pilot that scarcely any practical width in connection with submerged banks will compensate for its absence. Any plan of canal which involves submerged channel banks contains in it a dangerous and unsatisfactory element.

The cost of annual maintenance of a great ship waterway of this character should be kept as low as practicable. There should be no feature of an adopted plan which would entail increased cost of maintenance or which would enhance the difficulties of operation. It was brought out in the testimony taken before the Senate committee, as also appears from the reading of the minority report of the consulting engineers, that inasmuch as the Chagres and all its tributary streams discharge directly into the Gatun Lake, all the silt, sand, and other similar material eroded from the banks and beds of rivers by floods and freshets will be discharged directly into the terminal lakes. In the case of the Chagres River and some of its tributary streams, all the solid material or sediment brought down by the river from above Gamboa and from some distance below that point will largely be deposited in the channel of the canal between Gamboa and Tavernilla and below the latter place, a distance of over 8 miles. Throughout this distance the lake is narrower than it is both above and below, and the natural concentration of sediment-bearing current in the canal channel, not only below Gamboa, but above it, will invariably result in serious silting or deposition of sediment. A large annual expenditure will therefore have to be made in order to meet this single serious feature of maintenance. Other streams also bring their sediment directly into the lake, in some cases where material sedimentation is practically certain to occur, with the corresponding annual charge for its removal.

The actual time of passage of a ship through the canal proper, after having actually entered it at either terminus, in the recommended plan, will be largely affected by the time required to pass the locks, although it will be affected by some other considerations, such as the size of ship, the largest ship contemplated to be passed by the canal requiring more time in consequence of less speed than smaller ships. The minority count on one ship following another in the shortest possible time in passing the series of three locks in flight at Gatun, but in the actual working of the canal doubtless but one ship at a time would be permitted in the Gatun flight. If all the lock machinery and all the appliances were to work with ideal perfection, each ship moving promptly into and away from a lock or a series of locks, and without delays of any kind, the time of passage of a ship 400 to 500 feet long would probably require eight to ten hours. Without such perfection of working of machinery and appliances, and with the usual derangement of machinery and such other delays as in the long run would be covered under the head of "repairs and maintenance," the time of actual passage would be at least 50 per cent greater.

Ocean steamships seeking the passage through the canal would, in the long run, largely or mainly arrive in groups or fleets of greater or less number within short periods of time. In such cases those ships which fail to pass into the canal promptly would be delayed by waiting frequently a considerable number of hours. Again, the annual experience of such a canal would show the locks to be out of commission at least a number of weeks each year, in consequence of repairs and work of maintenance always consequent upon the installation and use of such great masses of machinery and appliances. The locks at the Soo are laid up each year about one-third of the time in consequence of the severe winter of that locality. A considerable portion, or perhaps nearly all of this part of nonuse, is then required for repairs, reconstruction, and other similar work. Hence, the time consumed for the much greater repairs and works of maintenance at Panama, when distributed over all the ships delayed, would be a material amount, although it can not be exactly estimated. If both these classes of delays to vessels be added, as they must be, to the time of actual passage, it is scarcely possible that the average time of each vessel in this lock plan can be less than from two to three times required for passage through a sea-level canal.

These delays, due to lock passages and other retarding influences, would act in a manner most gravely objectionable if the United States Government should desire to pass a fleet of twenty or twenty-five naval vessels from one ocean to the other in the shortest possible time to meet some extraordinary exigency. It may be presumed that all commercial traffic would be stopped in such a case, leaving the entire canal free for emergency use. The period of time between two consecutive vessels would be that required to pass the flight of three locks,

which would not be less than one and one-half to two hours. If it be assumed that both sets of locks are in order and used for passage in the same direction, as may be supposed, it would require from twenty-eight to thirty-six hours to accomplish the transference, provided no accident happened to any of the locks during their use, or that no vicious enemy put one or more of them out of commission by the use of a small quantity of high explosive. The manner of passage of the ships would be a slow procession, with an interval of at least one hour between consecutive ships, whereas in a sea-level canal they would pass through in close order in about one-third the time required by the lock canal. In the sea-level canal, at the worst, there would be a period of separation between two successive ships of one-half the time required to pass one tidal lock with a lift of only 10½ feet.

The capacity of the recommended lock plan has been estimated by the minority at 70,000,000 tons annually. This capacity is estimated essentially on the assumption that all ships reach the terminal ports in proper order and at suitable times to enter the locks immediately, and that they pass through all the locks of the canal without any accident or delay whatever. The estimate is further based upon the assumption that the machinery and appliances of all locks work promptly, without defect or failure from any cause, and that two ships passing in the same direction may be in triple flight of locks in the Gatun dam at the same time. Nor is provision made for those periods in each year when individual locks would be out of commission for repairs and overhauling. It was shown in the majority report, and in the testimony before the committee, making due allowance for these various sources of delay, and recognizing the fact that the lockage of a ship in the general use of the canal would occupy much more time than that computed, that while the exact annual capacity can not be reliably estimated, it can not reasonably be expected to be more than about 35,000,000 tons, and perhaps materially less.

Although much reference is made by the minority in this connection to the capacity of the single lock at Sault Ste. Marie, it was shown that such a reference is greatly misleading. The navigation of the St. Marys Falls Canal is of a highly specialized character. It consists of ships of various sizes plying with almost the regularity of a railroad schedule between lake ports, so that there is practically no congestion of ships arriving in groups. Each ship, arriving essentially on its schedule time, generally passes the lock without delay. Furthermore, there is but one lock at the Soo, so that the delays and internal congestion of a multilock plan, which increase in a much higher ratio than the number of locks, are entirely absent. The facility with which a large traffic passes the Poe lock at the Soo is correspondingly no indication whatever of the lack of facility which would characterize the passage of a Panama lock canal by ocean ships, arriving frequently in groups or fleets, with crews untrained for the special canal navigation.

The proposal to lock two or more vessels at one time through the series of two or three locks in flight in order to increase the capacity of the minority plan is delusive. It was shown in the testimony before the Senate committee that that operation involves too much danger and delay in a flight of locks to be permissible. It would be fortunate if the capacity of the recommended lock plan should in actual use even approach 35,000,000 tons annually.

These considerations regarding the annual capacity of the lock plan acquire a most serious significance when it is observed that any amount of widening or deepening of the canal between the locks will not increase the capacity of the canal by even a single ton of traffic without the reconstruction of the locks, the latter feature absolutely limiting the capacity of the canal. While it would be possible to reconstruct the locks in order to give them greater capacity, it would be a long and very costly operation. After such reconstruction the locks originally built still be retained for the passage of smaller ships, should there would practically be wastage, although, if desired, they could be a sufficient water supply.

The President emphasized, to the Consulting Board, in his instructions of September last, the importance of the transformability to a sea-level plan of any lock plan that might be considered for recommendation. The minority plan possesses practically the minimum of transformability of any lock plan that can be devised. The existence of the great terminal lakes with the twin triple series of locks in the Gatun dam render the operation of transformation, after the canal is once in use, very difficult and expensive. The great dams and all the locks and other subsidiary works, amounting in the aggregate to upwards of \$60,000,000, would be absolutely wasted. All the money which the Government would have expended in paying for the submerged lands would also have been practically

wasted, although, after the draining of the lakes, those lands might in time become salable.

The cost of transformation of a lock canal, almost identical with that recommended by the minority to a sea-level canal, with the sections recommended by the majority, was found to be \$208,985,000, without any allowance for contingencies. If there be added to this sum the usual 20 per cent for allowance, employed by the board in its regular estimates, and the estimated cost of the lock plan, \$139,705,000, the total cost of the sea-level canal, ultimately attained in this manner, would be \$390,487,000. To this sum again must be added the land damages paid by the United States Government for the lands submerged by the terminal lakes, which would bring the total cost up to a sum of over \$400,000,000. It is not surprising, therefore, that both the majority and minority of the Board of Consulting Engineers believe that if the recommended lock plan should be adopted the attainment of a sea-level canal would never be realized in any reasonable future period of time.

The total curvature in the sea-level plan is sensibly less than the total curvature in the lock plan. The former therefore gives an easier and safer navigation. The banks of the sea-level channel are everywhere visible, giving a constant and more easily followed course than the submerged banks of the lock plan. Although it is the intention in the lock plan to buoy the submerged banks at all turns and probably at intervals along straight courses, the invisibility of the banks of the channel where submerged is a source of constant danger. Although this danger may be reduced by placing buoys close together, it can not be removed in the absence of visible limits to the channel, unless the latter be much wider than generally contemplated by the minority.

The smallest radius of curvature in the sea-level plan is 8,200 feet, or over $1\frac{1}{2}$ miles. The greatest radius of curvature reaches 13,222 feet. In the lock plan the curvature as laid down on the plan of the minority indicates a radius of curvature as small as 1,700 feet.

If a model in plan of a ship 1,000 feet long and 100-foot beam be moved along the plan of the sea-level canal proposed, it will be found that it can be passed freely around all curves, and that in no case when it is moved centrally along the canal will the prolongation of its center line strike the bank of the canal ahead of it within a distance of nearly the ship's length. This condition has been shown by experience in the Suez Canal to give sufficient freedom in rounding curves. All these considerations show that the sea-level canal prism, as proposed in the majority report, will give complete facility and ample freedom for its navigation by the largest ships contemplated by the consulting board—a conclusion which is justified by experience in navigating existing maritime canals in Europe, including the canal at Suez, whose prism is much less in dimensions than that proposed by the majority. On the other hand, it has been shown in the testimony before the committee that if the full usable dimensions of 900 by 95 feet for the locks of the minority plan be allowed, those locks, on the completion of the canal, will fail to accommodate ships then afloat, if the rate of increase in ships' dimensions during the past ten years continues during the next ten years.

The estimated costs of the canal under both plans is based upon unit prices determined by the whole board. The testimony taken before the Senate committee indicates that these unit prices are more likely to be found too high than too low for all classes of excavation. This observation is justified by the actual work of excavation which has been done since the American occupation of the Canal Zone. Owing to the difficulty in securing suitable sand for concrete on the Isthmus, and the necessity of transporting the great quantity of cement required in the masonry of the lock plan, and the further necessity of skilled labor to manufacture and put the concrete in place, the unit price for concrete may be found a little low. As the lock plan requires far greater amounts of concrete masonry than the sea-level plan, any shortness of unit price for the concrete would affect the estimate for the lock plan much more than that for the sea-level plan.

The criticism of the Commission and the minority on the unit price of \$1.25 per cubic yard for the excavation at the bottom of the Culebra cut below the elevation of 10 feet above mean tide is without any foundation. The canal prism in the bottom of the Culebra cut would not be excavated under water. That excavation would be an ordinary open excavation in the dry. Any small amount of water flowing into the excavation from springs or from rainfall could readily be pumped out in the ordinary way. No water from the sea can possibly get into the bottom of the Culebra cut until it is permitted to come in. Natural bulkheads of rock or temporary dams at the Pacific end of the excavation for the prism would keep out all sea water until the completion of the excavation. Excavation of

the bottom 40 or 50 feet of the Culebra cut for the sea-level canal presents no unusual feature. Every part of the process is common to similar work being done all over the United States many times every season.

The testimony given before the committee shows that a reasonable estimate for the annual cost of maintenance of a sea-level canal would be not to exceed \$1,600,000, whereas the annual cost of maintenance of the lock canal, as estimated by the minority, would be at least \$2,400,000, or at least \$800,000 more than that of the sea-level canal.

The dredging in the Suez Canal between the two terminal ports is chiefly caused by the wind blowing into the canal each year about 2,500,000 cubic yards of sand. No such element of maintenance is required on the Isthmus. All streams tributary to the two terminal lakes in the recommended lock plan bring in great quantities of silt, which would result in the serious silting of the channels for considerable distances, whereas in the sea-level plan practically no heavy silt is brought into the canal prism at all. The tributary streams either pass through sedimentation basins, which catch practically all the silt, or, as in the case of the Gatun and other rivers, the discharge reaches the ocean without passing into the canal prism at all.

In answer to the inquiry of the junior Senator from Georgia [Mr. CLAY] regarding cost, I will say that the cost of a sea-level canal on the plan proposed, agreed to by all the engineers, the minority as well as the majority, with the addition of 20 per cent for contingencies, was, in round figures, \$247,000,000; for the lock canal, in round figures, \$139,000,000, leaving a difference, in round figures, of a hundred million in first cost between the two plans.

I am now proceeding to show that if the decreased cost of maintenance and operation of a sea-level canal as compared with a lock canal be capitalized, as is proper, and if account is taken of the submerged land, the actual difference in cost between the two will not exceed fifty or sixty million dollars.

The charge for maintenance of the sea-level canal prism is therefore relatively very small. In the recommended lock plan the annual maintenance charge for dredging the deposited silt out of the channel, added to the costs of repairs and maintenance of the six locks, makes a large sum. Erroneous estimates have been made by the minority for the maintenance of the sea-level plan, which the testimony before the committee showed to be about \$800,000 per year too great. If this excess of annual maintenance charge for the lock plan be capitalized at 2 per cent the total estimated cost of the minority plan should be increased by the resulting sum of \$40,000,000.

It was further shown in the testimony before the Senate committee that the damage costs to the United States Government for the 118 square miles of land submerged by the proposed terminal lakes in the lock plan might reach from fifteen to twenty millions of dollars. This estimate also should be added to the estimate of the minority for the cost of the recommended lock plan.

Regarding these estimates, I will say they have been stated to be as high as \$25,000,000. For the purpose of this estimate I am dividing it, and place it at \$10,000,000, and the experience of this Government in the condemnation of land on the Isthmus justifies that estimate. If to that is added \$40,000,000 as the capitalized amount of the decreased cost of maintenance and operation, it leaves the extra cost not more than \$50,000,000 or \$60,000,000.

Mr. DRYDEN. Does it not also appear in the testimony that the estimate for the purchase of the submerged lands, including an estimate by Mr. Stevens, does not exceed \$300,000?

Mr. KITTREDGE. Oh, yes, it is so stated; but the committee find otherwise, and it bases it upon the experience of the United States Government in the matter of condemnation and acquisition of land upon the Isthmus during the time it has been on the Isthmus.

The total cost of that plan, estimated upon all the detailed items of expenditure, would thus be about \$195,000,000. As the total estimated cost of the sea-level plan is about \$247,000,000, it is seen that the actual cost of the completed sea-level plan is about \$50,000,000 in excess of the recommended lock plan. The computed interest charges upon the cost of the sea-level plan would necessarily be greater than those resulting from the construction of the lock plan, but it has been shown that the latter would be defective and insufficient in capacity as well as dangerous to operate and costly to maintain. The excess of cost of annual maintenance for the lock plan would probably balance the greater interest charge of the sea-level canal.

The more complicated character of the work required in the locks and other great masonry structures of the lock plan involves correspondingly great uncertainties as to the time re-

quired to complete them. These more involved classes of work requiring the building and transporting of great quantities of heavy machinery to the Isthmus and installing them, the fabrication and placing of great quantities of concrete masonry, the total being not far from 3,500,000 cubic yards, together with the securing and maintaining of the requisite force of skilled labor, give to any estimate of time for the completion of such constructive work great uncertainty. The estimated period for completing the lock canal is almost certain to be overrun, so that the actual time of completion of each plan would not be very different from the other. Any estimated amount of interest charges on the cost of the sea-level plan, based upon any such period of construction as fifteen to twenty years, as found in the minority report, is without any real foundation.

Mr. BACON. Will the Senator from South Dakota permit me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. BACON. I presume the Senator recognizes that in the case of a sea-level canal it would be entirely practicable, as the necessities might develop, to deepen the canal. I think the Commission itself states that fact. Is that true of a lock canal? If a lock canal is built, is it not necessary that its maximum depth shall be established in the beginning? In other words, to increase the depth of a lock canal would it not necessitate a rearrangement of all the locks and everything connected with it? I am led to make that inquiry from the fact that I noticed in the report of the Commission they speak of the fact that the canal, if the sea-level plan be adopted, might originally be at a depth of 35 feet, and thereafter 5 feet more could be readily added, when the larger ships made that necessary, without stopping the operation of the canal.

Mr. KITTREDGE. The Senator is absolutely right in his statement, and the reason clearly appears from the report to which he refers. It may be added that the capacity of the lock canal is absolutely limited by the capacity of the locks. You can not get a ship through the canal greater than can pass the locks, and once you limit the lock capacity, as is done in this case, the only remedy to increase the capacity is to tear down the lock structures and build anew.

Mr. BACON. Whereas with a sea-level canal the capacity of enlargement is not limited by any such condition?

Mr. KITTREDGE. The Senator is absolutely right. It can be enlarged in any direction to accommodate the necessities of commerce or the desire of the Government.

Mr. CLAY. With the Senator's permission—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. If the Senator has any information on the subject, how much longer would it take a ship to go through a lock canal than a sea-level canal? Is it not also true that there would be more danger to a ship going through a lock canal than a sea-level canal? I presume the committee has investigated all those questions.

Mr. KITTREDGE. There is, of course, greater danger to a ship going through a lock canal than a sea-level canal. That point is thoroughly and completely determined by the testimony given before the committee, as well as in the report.

It will take between two and three hours longer to pass through the lock canal than a sea-level canal when the locks work well. It will require between four and five hours to pass through the locks that are proposed by the minority of the Board of Consulting Engineers, and, I presume, by the minority of the committee. In other words, it will take more than half the time necessary to pass the entire distance of a sea-level canal to get through the locks alone.

Mr. CLAY. I will ask the Senator is it not also true that insurance would necessarily be a great deal higher on ships going through a lock canal than a sea-level canal?

Mr. KITTREDGE. I am unable to answer that question. It is possible that it is.

Mr. CLAY. Is it not probable?

Mr. KITTREDGE. It is possible that in the testimony we have covered that subject, but there has been such a great mass of it I have for the moment forgotten. My impression is that it would cost more in the way of insurance to pass through a lock canal than a sea-level canal.

Mr. DRYDEN. Mr. President, the Senator has been very accommodating in permitting me to interrupt him, and I hesitate to do so again.

Mr. KITTREDGE. I yield to the Senator from New Jersey.

Mr. DRYDEN. I think I shall not interrupt the Senator again, but I simply want to say here that as to certain statements which the Senator makes from his point of view, and

which he thinks are substantiated, the minority, of course, have a different view of this matter. I am only going to add that if issue is not taken as to certain matters stated it is not that they are to be considered as admitted by the minority. The minority will have their day, and they will present their views.

Mr. KITTREDGE. I assume that I am not expected to answer that inquiry.

Mr. President, the only material difference in the elements of time and cost in these two types of construction is about \$50,000,000, estimated upon a correct basis for the lock plan; but that plan has been shown to be seriously defective in capacity, falling far short of the requirements of the statute, and likely to be inadequate for the ships afloat at the time of its completion, and, as has also been clearly shown, involving grave dangers in operation and high cost in maintenance. In other words, the great advantages of various kinds possessed by the sea-level plan far more than compensate for its small additional cost.

On the question of cost I again refer to the letter of Mr. Hunter. He says:

It can not be denied that a lock canal, of whatever type, can be constructed at less cost in money than a sea-level canal. But when the estimates of cost contained in the report of the board and in the minority report are compared, and when to the latter are added the additional costs required (a) for removing the kinks from the line of the channel through the Gatun Lake, (b) for increasing the locks to the dimensions called for by the Spooner Act, (c) for adding cut-offs and core walls to the dams, (d) for clearing so much of the tropical growth from the areas to be submerged as will be absolutely necessary for navigation purposes, the difference between the two projects will be reduced to a capital sum, which will be insignificant when compared with the relative advantages and disadvantages of the projects particularly when the volume of the traffic which must, in the natural development of the world's commerce and the inevitable increase in the world's population, pass over the isthmian canal, be taken into consideration, as there seems no reason to doubt that the revenue from that traffic will afford a return satisfactory to the citizens of the United States for their expenditure on the waterway.

Now, Mr. President, with an apology to the Senate for having taken so much time, I submit this question for the present. During the progress of the debate I shall, with the permission of the Senate, if it becomes necessary, take occasion to reply to some of the arguments which I infer from the junior Senator from New Jersey may be submitted.

The VICE-PRESIDENT. Does the Senator wish to have the unfinished business temporarily laid aside?

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business. I understand that the Senator from Pennsylvania does not desire to call up the Post-Office appropriation bill until to-morrow.

The VICE-PRESIDENT. The Senator from Pennsylvania gave notice this morning that he would call it up to-day.

Mr. KEAN. If he desires to call up the appropriation bill, I will give way to him. I withhold my motion for the present. The Senator from Pennsylvania will be here in a moment.

FALSE ALARMS OF FIRES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

Mr. KEAN. That is a very proper bill, and it ought to be passed.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-General," on page 1,

line 8, to reduce the appropriation for advertising from \$5,000 to \$3,500.

The amendment was agreed to.

The next amendment was, on page 1, after line 9, to insert:

For traveling and other necessary expenses of three experienced postal officials, to be designated by the Postmaster-General, whose duty it shall be to investigate postal systems and conditions in Great Britain and the continent of Europe, and submit to the Postmaster-General detailed report of the results of their inquiries, with such recommendations as to improvements in the postal establishment and service of the United States as may seem desirable, \$10,000.

Mr. GALLINGER. I should like to inquire of the chairman of the Committee on Post-Offices and Post-Roads the necessity for this provision. I had supposed that we already knew about as much in regard to postal matters as they do in Great Britain or on the Continent.

Mr. PENROSE. That item was put in the bill on the special recommendation of the Postmaster-General. He seems to be of the opinion that if he can have this appropriation to send skilled officials from the Department here to keep abreast of improvements and to compare our system with the system abroad, probable results will ensue. The amendment was put in by the committee on the special request of the Postmaster-General. It is not a very large amount. I myself am of the opinion, after an investigation, that it would be profitable for the Government to keep in touch with improvements in the postal service in foreign countries.

It may be said that our consuls have, as a part of their duty, the keeping of the Government advised as to such improvements. But, as a matter of fact, the consuls have not the skill and the technical knowledge of postal methods to enable them to profit by investigations into the postal systems of other countries.

It is not a very large appropriation. There is no branch of the Government that, in its mechanical and administrative features, is improving every year more than the postal service in new methods of distribution, transportation, and postage. I believe this is a good provision.

Mr. GALLINGER. I am not going to oppose it in any capacious way. It occurred to me that our consuls might, with great propriety, look after a matter of this kind, and I think now that it properly belongs to them. But if the Senator has done this at the suggestion of the Postmaster-General I assume that is probably a reason we ought to acknowledge without question.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. NELSON. I do not see the occasion of sending three men. I think one good man would accomplish all necessary purposes.

Mr. GALLINGER. Of course they want companionship.

Mr. PENROSE. I do not understand that it is a question of companionship, but, as I understand it, the office of the First Assistant would have a specialist from his bureau skilled in the various matters arising under the office of the First Assistant. The Second Assistant, having a vast and important branch of the postal service, might want to investigate and compare matters abroad relating to his department. There are several great departments of the postal service somewhat different and considerably segregated.

Mr. NELSON. Who are these men to be? Are they to be men already in the service?

Mr. PENROSE. As I understand it, they are supposed to be employees of the Department.

Mr. NELSON. Detailed from that Department?

Mr. PENROSE. Detailed from that Department. The appropriation is simply for their traveling expenses. I do not understand that it is the creation of any extra places or any junkies for visiting statesmen.

I know that General Shallenberger two years ago went abroad and made some valuable investigations in the transportation of the mails, especially in the great cities of London, Paris, and Berlin, and on his return he was able to advise the Postmaster-General and the Senate Committee on Post-Offices and Post-Roads in a very lucid and important way as to the methods of transportation and the delivery of mails in the city of London and in other places.

Mr. GALLINGER. Mr. President, I trust that the \$10,000 appropriated will result in that amount of good to the service. I have my doubts, but I raise no further objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SPOONER. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

The amendment was agreed to.

The next amendment was, on page 2, line 8, before the word

"dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" in line 9, before the word "inspectors," to strike out "six" and insert "ten;" in line 13, before the word "inspectors," to strike out "ninety-five" and insert "one hundred and thirty;" in line 15, before the word "inspectors," to strike out "eighteen inspectors, at \$1,500 each; seventy-eight" and insert "one hundred and ten;" in line 16, after the word "each," to strike out "twenty-five inspectors, at \$1,300 each;" in line 18, before the word "inspectors," to strike out "one hundred" and insert "thirty-five;" and in line 21, before the word "dollars," to strike out "five hundred and seventy-eight thousand one hundred" and insert "five hundred and fifty-four thousand seven hundred and fifty;" so as to read:

Salaries of post-office inspectors: For salaries of fifteen inspectors in charge of divisions, at \$3,000 each; ten inspectors, at \$2,400 each; fifteen inspectors, at \$2,250 each; fifteen inspectors, at \$2,000 each; ten inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400 each, and thirty-five inspectors, at \$1,200 each; in all, \$554,750.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "inspectors," to strike out "as of the same grade of salary which said persons were, on June 30, 1906, receiving as rural agents;" and in line 6, after the word "exceed," to strike out "one hundred and forty-two" and insert "ninety-four;" so as to make the additional proviso read:

And provided further, That all persons employed on June 30, 1906, as rural agents shall, on July 1, 1906, be appointed as post-office inspectors, except not to exceed ninety-four of such agents shall be so appointed as post-office inspectors.

The amendment was agreed to.

The next amendment was, on page 3, line 13, to reduce the appropriation for per diem allowance of inspectors in the field while actually traveling on official business away from their homes, etc., at a rate not to exceed \$4 per day, from \$350,000 to \$320,000.

The amendment was agreed to.

The next amendment was, on page 3, line 24, to increase the appropriation for compensation to clerks and laborers at division headquarters from \$90,000 to \$105,000.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "inspectors," to strike out "field;" so as to make the clause read:

For traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, \$70,000.

The amendment was agreed to.

The next amendment was, on page 4, line 6, to increase the appropriation for necessary miscellaneous expenses at division headquarters from \$5,000 to \$8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 5, line 15, before the words "of delivery," to strike out "Superintendent" and insert "Superintendents;" in line 16, before the words "of mails," to strike out "superintendent" and insert "superintendents;" in line 17, before the words "of money order," to strike out "superintendent" and insert "superintendents;" in the same line, before the words "of registry," to strike out "superintendent" and insert "superintendents;" and in line 18, after the word "registry," to strike out "four" and insert "eight;" so as to make the clause read:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, eight, at not exceeding \$3,200 each.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "Auditors," to strike out "superintendent of delivery, superintendent of mails, superintendent of money order, and superintendent of registry, six" and insert "two;" so as to make the clause read:

Auditors, two, at not exceeding \$3,000 each.

The amendment was agreed to.

The next amendment was, on page 6, line 10, after the word "private," to strike out "secretary" and insert "secretaries;" and in line 12, after the word "registry," to strike out "twenty-five" and insert "twenty-six;" so as to make the clause read:

Assistant superintendent of delivery, assistant superintendent of mails, assistant superintendent of money order, assistant superintendent of registry, bookkeeper, cashiers, finance clerk, private secretaries, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, twenty-six, at not exceeding \$2,400 each.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word

"and," to strike out "nineteen" and insert "eighteen;" so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 118, at not exceeding \$1,700 each.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "sum," to insert "and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof;" so as to make the clause read:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "dollars," to insert the following proviso:

Provided, That the leave of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays.

The amendment was agreed to.

The next amendment was, on page 12, line 12, after the word "post-offices," to strike out "including temporary clerk hire at summer and winter resorts;" so as to make the clause read:

For temporary clerk hire at first and second class post-offices, \$152,000: *Provided*, That the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at the rate of 25 cents an hour during the rush or busy hours of the day.

The amendment was agreed to.

The next amendment was, on page 14, line 1, to increase the appropriation for necessary miscellaneous and incidental items directly connected with first and second class post-offices and money-order service, etc., from \$225,000 to \$250,000.

The amendment was agreed to.

The next amendment was, on page 14, line 7, before the word "assistant," to strike out "seven" and insert "ten;" in line 9, after the word "each," to strike out "\$14,000" and insert "and for their;" in line 10, before the words "per diem," to strike out "For;" in the same line, after the word "allowance," to strike out "for seven assistant superintendents, salary and allowance division;" and in line 16, before the word "dollars," to strike out "ten thousand two hundred and twenty" and insert "thirty-four thousand six hundred;" so as to make the clause read:

For compensation to ten assistant superintendents, salary and allowance division, at the rate of \$2,000 per annum each, and for their per diem allowance when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not to exceed \$4 per day, and for other necessary official expenses, \$34,600.

The amendment was agreed to.

The next amendment was, on page 14, line 25, to reduce the appropriation for pay of letter carriers and substitute letter carriers at new offices entitled to city delivery service under existing law, from \$75,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 15, line 10, before the word "incidental," to strike out "other;" in the same line, after the word "expenses," to strike out "in offices of the first and second class" and insert "of the city delivery service;" and in line 13, before the word "letter," to strike out "city;" so as to make the clause read:

For all incidental expenses of the city delivery service, including freight and drayage on equipment, furniture, and supplies, painting, repairing, and erecting letter and package boxes and posts, repairing clocks and other equipments, maps, and miscellaneous items, \$40,000.

The amendment was agreed to.

The next amendment was, on page 15, line 20, before the word "miscellaneous," to strike out "travel and;" in line 21, after the words "First Assistant Postmaster-General," to strike out "\$1,000" and insert "\$500;" and in line 22, after the word "dollars," to strike out "*Provided*, That a sum not exceeding \$300 may be used for the purchase of city directories and books of reference;" so as to make the clause read:

For miscellaneous expenses in the postal service, office of the First Assistant Postmaster-General, \$500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, line 3, to increase the appropriation for inland transportation by star

routes, including temporary service to newly established offices, from \$7,100,000 to \$7,370,000.

The amendment was agreed to.

The next amendment was, on page 16, line 17, to increase the appropriation for inland transportation by steamboat, or other power-boat routes, from \$775,000 to \$830,000.

The amendment was agreed to.

The next amendment was, on page 16, line 24, after the words "one million," to strike out "one hundred and sixty-one thousand two hundred and sixty-five dollars and eighty-four cents" and to insert "two hundred and fifty thousand dollars;" and in line 3, after the word "years," to strike out "and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice;" so as to read:

For the transmission of mail by pneumatic tubes or other similar devices, \$900,000, and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, \$1,250,000, under the provisions of the law, for a period not exceeding ten years.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the words "cities of," to strike out "Cincinnati, Kansas City, and Pittsburgh" and insert "Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.;" so as to make the proviso read:

Provided, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn of the city of New York and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.

Mr. CLAY. Mr. President, I call the attention of the chairman of the committee to the three lines on page 17 which are proposed to be stricken out by the committee, and which had escaped my attention. On page 17, beginning in line 3, the part I refer to is as follows:

And with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

I will read the entire sentence, beginning in line 21, on page 16:

For the transmission of mail by pneumatic tubes or other similar devices, \$900,000, and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, one million—

The words "one hundred and sixty-one thousand two hundred and sixty-five dollars and eighty-four cents" are stricken out and the words "two hundred and fifty thousand dollars" are inserted. Then it continues:

under the provisions of the law, for a period not exceeding ten years, and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

It appears from the bill as printed that the words "and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice" are stricken out.

As the bill originally stood as it came from the other House, if the Postmaster-General made a contract for ten years for pneumatic tubes, he had a right to cancel such a contract on giving a year's notice.

Mr. GALLINGER. After four years.

Mr. CLAY. Yes; after four years. That provision of the House bill has been stricken out in this connection. It was a wise provision. The words to which I have referred were stricken out probably when I was not attending the committee meeting, although I was there most of the time. I should be glad to have the chairman of the committee explain how that amendment came to be proposed.

Mr. PENROSE. Mr. President, the lines to which the Senator from Georgia [Mr. CLAY] refers were stricken from the bill after some discussion in committee. I do not recall whether the Senator from Georgia was present while the committee was discussing that particular branch of the paragraph, although he was one of the most faithful members of the committee in general attendance during the discussion of the bill.

The principle involved is that these people are entitled to a ten years' contract from the Government for this service. It has been found extremely difficult to get capital to invest in the construction of pneumatic tubes unless there is assurance of some duration of the contract; and I understand the work has been very much delayed and embarrassed in several cities—in New York, I believe, among others—by reason of the difficulty of getting the very large and considerable amount of money necessary to construct these works invested by the corporation doing it.

My recollection is that the Department itself recommends the

striking out of those words. I have the letter of the Department somewhere, though I can not lay my hand upon it at this moment. Anyway, the purpose of the amendment is to give the people who invest in this pneumatic-tube service contracts for ten years, with the assurance that the Government will not abandon the service and render their investment useless and valueless, but that they will have some justification for going into the very considerable expenditures involved in this work, by giving them a ten years' contract.

Mr. NELSON. I wish to make an inquiry in regard to these contracts.

Mr. CLAY. If the Senator from Minnesota [Mr. NELSON] will permit me, I will say to the Senator from Pennsylvania [Mr. PENROSE] that my understanding is that we now have pneumatic-tube service in operation in Boston, Chicago, Pittsburg, Philadelphia, and New York, and that those contracts were made with the existing law in force, which authorizes the Postmaster-General to make contracts with those people for ten years for the purpose of putting in and operating these tubes. Those contracts provided that the Postmaster-General, after a service of four years, should have the right to terminate them if he so desired. In other words, all the contracts which have been heretofore made have been made with the distinct understanding that existing law gave the Postmaster-General the right to terminate them after they had been in operation for four years if he deemed it proper to do so.

Mr. PENROSE. Mr. President—

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. PENROSE. Certainly.

Mr. FORAKER. This provision authorizes the granting of contracts for the transmission of mail by pneumatic tubes in the cities where pneumatic tubes have heretofore been put in operation, and the sum appropriated is \$1,250,000. Can the Senator tell me how much of that sum is intended, or whether the whole of that sum is intended, for contracts with respect to the cities in which these tubes have already been put? If so, what is the Senator's idea as to the effectiveness of the proviso excepting the cities of Baltimore, Cincinnati, etc.?

Mr. PENROSE. I can not tell the Senator exactly how much of this item would go to any particular locality. All I know is that the amount was agreed on after conference with the chairman of the Committee on Post-Offices and Post-Roads in the House of Representatives and with the Department, and the committee was informed that it was satisfactory and amply sufficient to carry out all the recommendations of the Department for the cities mentioned in the bill.

Mr. FORAKER. It must be obvious to the Senator that the whole of this sum will have to be expended upon contracts for the transmission of the mail in pneumatic tubes in the cities where those tubes are now in existence. Therefore it does not seem to me that any part of that sum, or any other sum, so far as I can see, is available for the extension of pneumatic tubes in the other cities that are named.

Mr. PENROSE. As I understand, the money will not be required immediately. This bill simply authorizes the contract, and this amount is all that the Department thinks it will require during the current fiscal year for which this appropriation is made.

Mr. FORAKER. Then the Department is of the opinion that part of this sum of \$1,250,000 will be available for putting in pneumatic tubes in Baltimore, Cincinnati, etc.?

Mr. PENROSE. They think this is all the money they can spend, assuming that they will go ahead as fast as they can secure service in the cities mentioned in the bill.

Mr. FORAKER. I do not know what the amount is estimated to be that would be required for putting in pneumatic tubes in these additional cities.

Mr. PENROSE. The amount was very carefully considered. It is the result of the recommendation of the Department, after conference with the House committee, and is considered sufficient for the interests represented by the Senator from Ohio [Mr. FORAKER] and the Senator from Maryland [Mr. RAYNER].

As to the point raised by the Senator from Georgia [Mr. CLAY], I do not think it of any importance whether or not those words remain in the bill.

Mr. CLAY. I was going to say to the Senator that he will remember that the Second Assistant Postmaster-General did state to the committee that he hoped to see the time come, and he believed the time would come, when the Government could construct these tubes and carry this character of mail cheaper than the Government is able to do at present prices. I hope the Senator, in view of what has been said, will simply let this amendment go over until to-morrow, so that I can look further into it.

Mr. PENROSE. I am perfectly willing to let the amendment go over or to let it go out of the bill—either one.

Mr. CLAY. Well, let it go over until to-morrow morning.

Mr. MARTIN (to Mr. CLAY). Let it go out of the bill.

Mr. CLAY. Very well; let it go out of the bill, then.

Mr. PENROSE. I have no objection, Mr. President.

The VICE-PRESIDENT. Then the amendment of the committee on page 17, striking out lines 3, 4, and 5, which has been agreed to, will be regarded as disagreed to in the absence of objection. The Chair hears no objection, and it is disagreed to.

Mr. FORAKER. As to the other amendment, I have no doubt as to what the Senator from Pennsylvania has said, but I should like an opportunity to investigate it.

Mr. PENROSE. Then I will ask that that amendment go over.

The VICE-PRESIDENT. Without objection, the amendment reported by the committee striking out the words in lines 9 and 10, on page 17, and inserting certain other words which have been read, will go over.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 17, line 22, before the word "for," where it occurs the second time, to strike out "building," and insert "buildings;" and in line 25, before the word "thousand," to strike out "nine," and insert "fourteen;" so as to make the clause read:

For rent of buildings for a mail-bag repair shop and lock repair shop, and for fuel, electric power, light, gas, watchmen, charwomen, oil, and repair of machinery for said shops, 14,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For rent of buildings to be erected for the use of the division of supplies and the mail-bag and mail-lock repair shops, \$17,500, and the Postmaster-General may enter into a lease for buildings to be erected for the use of the division of supplies and the mail-bag and mail-lock repair shops for a term not exceeding ten years at an annual rental not to exceed \$35,000, to be paid quarterly.

The amendment was agreed to.

The next amendment was, on page 18, line 10, after the word "dollars," to insert the following proviso:

Provided, That on account of the earthquake calamity in California on April 18, 1906, authority is hereby given to the Postmaster-General to use the average daily weight of mails for a period not less than thirty successive working days ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

For pay of freight on postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service, \$250,000. And the Postmaster-General shall require, when in freightable lots and wherever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service shall be transmitted by freight.

And in lieu thereof to insert:

For pay of freight or expressage on postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, \$250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, shall be, whenever practicable, transmitted by either freight or express.

Mr. STONE. Mr. President, I wish to inquire if that amendment is open to amendment?

The VICE-PRESIDENT. It is open to amendment.

Mr. STONE. I desire to offer an amendment, and then I will ask that it may go over.

Mr. PENROSE. I do not understand the Senator.

The VICE-PRESIDENT. The Senator from Missouri desires to offer an amendment to the amendment, and then to have it go over.

Mr. STONE. I desire to add, after the word "quarterly," in line 8, on page 18, the amendment which I send to the desk.

The VICE-PRESIDENT. The Chair understood the amendment of the Senator from Missouri to be addressed to the amendment that is before the Senate. The amendment to which the amendment is now proposed has been agreed to, but, in the

absence of objection, the amendment will be regarded as open to amendment. The Secretary will state the amendment to the amendment proposed by the Senator from Missouri.

The SECRETARY. At the top of page 18 of the committee amendment—

Mr. STONE. I made a mistake in the place where the amendment should come in. I wish it to follow the word "express," in line 2, on page 20.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 2, after the word "express" in the amendment of the committee, it is proposed to insert the following:

Provided, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more.

Mr. PENROSE. Mr. President, I shall have to object to that amendment, among other reasons, for the reason that, upon the recommendation of the Postmaster-General, the committee has added at the end of the bill a provision for a joint committee of both branches of Congress to investigate the whole question of second-class mail matter and to report next winter. This is only one of a score of questions raised under that classification of mail matter. I think it would be improper to single out these publications to be provided for in the bill. I would suggest that the Senator wait and allow the question to come up before the Commission this summer.

Mr. STONE. Mr. President, I understood the Senator desired simply to complete the reading of the bill this evening. I wish to say something to the Senate upon this amendment, and I suggest to the Senator from Pennsylvania that the amendment go over.

Mr. PENROSE. I was going to suggest to the Chair that perhaps this amendment is not in order now anyway. Only committee amendments are being considered. The Senator from Missouri can offer his amendment when the bill is reported to the Senate.

Mr. STONE. I wish to offer it as an amendment to the committee amendment.

Mr. PENROSE. It would properly come in, I think, when the bill is reported to the Senate—

Mr. STONE. I supposed it could come in here.

Mr. PENROSE. Or in Committee of the Whole itself after the committee amendments have been disposed of. What I ask now is that the Senate complete the consideration of the committee amendments. The Senator will then be at liberty to offer his amendment, and speak thereon if he desires.

Mr. STONE. I prefer to offer it as an amendment to the committee amendment.

Mr. PENROSE. The Senator has offered his amendment, and it will be considered at the proper time. It can not be considered now.

Mr. STONE. What do I understand the Senator from Pennsylvania to propose?

The VICE-PRESIDENT. The Chair would call the attention of Senators to the fact that the proposed amendment is in the form of a proviso to the committee amendment, and is in order as an amendment to the committee amendment.

Mr. PENROSE. Do I understand that the Senator from Missouri now desires to address the Senate upon his amendment?

Mr. STONE. I should prefer to let it go over until to-morrow morning.

Mr. PENROSE. I do not want to rush this bill unduly; but, of course, I want to dispose of it as early as I can.

Mr. STONE. Let this amendment be passed over.

Mr. PENROSE. All right. I ask that the consideration of this amendment go over until to-morrow, and that the Senate proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 21, line 7, to increase the appropriation for railway post-office car service from \$5,875,000 to \$6,000,000.

The amendment was agreed to.

The next amendment was, on page 21, line 19, before the word "assistant," to strike out "nineteen" and insert "twenty-one;" in line 21, before the words "chief clerks," to strike out "one hundred and twenty-five" and insert "one hundred and thirty-five;" in line 23, before the word "clerks," to strike out "two hundred and fifty-nine" and insert "two hundred and seventy;" on page 22, line 1, before the word "clerks," to strike out "one thousand two hundred and fifty" and insert "one thousand two hundred and ninety-three;" in line 3, before the word "clerks," to strike out "five hundred and twenty-eight," and insert "five hundred and thirty-seven;" in line 5, before the

word "clerks," to strike out "one thousand eight hundred and fifty" and insert "one thousand eight hundred and fifty-four;" in line 8, before the word "clerks," to strike out "one thousand seven hundred and fifty" and insert "one thousand eight hundred and seventy-nine;" in line 10, before the word "clerks," to strike out "five thousand four hundred" and insert "five thousand four hundred and fifty;" in line 13, before the word "clerks," to strike out "two thousand one hundred and seventy" and insert "two thousand one hundred and seventy-one;" and in line 17, before the word "dollars," to insert "three hundred and twenty-two thousand two hundred;" so as to read:

Railway Mail Service: One general superintendent, at \$4,000; 1 assistant general superintendent, at \$3,500; 1 chief clerk, office of general superintendent, at \$2,000; 1 assistant chief clerk, office of general superintendent, at \$1,800; 11 division superintendents, at \$3,000 each; 11 assistant division superintendents, at \$1,800 each; 5 assistant superintendents, at \$1,800 each; 21 assistant superintendents, at \$1,600 each; 135 chief clerks, at \$1,600 each; 270 clerks, class 6, at not exceeding \$1,500 each; 1,293 clerks, class 5, at not exceeding \$1,400 each; 537 clerks, class 5, at not exceeding \$1,300 each; 1,854 clerks, class 4, at not exceeding \$1,200 each; 1,879 clerks, class 4, at not exceeding \$1,100 each; 5,450 clerks, class 3, at not exceeding \$1,000 each; 2,171 clerks, class 2, at not exceeding \$900 each; 905 clerks, class 1, at not exceeding \$800 each; in all, \$15,322,200.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the word "thousand," to strike out "twenty-five" and insert "thirty;" and in line 16, before the word "thousand," to strike out "twenty-seven" and insert "thirty-two;" so as to make the clause read:

Per diem allowance of assistant superintendents, \$30,000; and for their necessary official expenses not covered by their per diem allowance, not exceeding \$2,500; in all, \$32,500: *Provided, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of \$4 per day while actually traveling on business of the Department.*

The amendment was agreed to.

The next amendment was, on page 24, line 22, to reduce the appropriation for inland transportation of mail by electric and cable cars from \$940,000 to \$793,600.

The amendment was agreed to.

The next amendment was, on page 25, line 21, after the word "shall," to strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert "consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines;" so as to make the proviso read:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MALLORY. I desire to inquire why that change in phraseology is proposed to be made?

Mr. PENROSE. I do not hear the Senator.

Mr. MALLORY. I should like to inquire why this amendment is reported by the committee?

Mr. PENROSE. The amendment was offered on the earnest representations of a member of the committee living along the route of the road, who thought it ought to be in, and the committee agreed to it. Heretofore the Postmaster-General has expended the whole amount regardless of the necessity for the service. He has taken it for granted that Congress thought the service was necessary and that the amount should be expended. This amendment speaks for itself.

Mr. GALLINGER. Will the Senator permit me?

Mr. PENROSE. Certainly.

Mr. GALLINGER. Has that provision ever before been in a Post-Office appropriation bill?

Mr. PENROSE. Never.

Mr. GALLINGER. It is entirely new.

Mr. PENROSE. It is entirely new. Of course the subsidy has been in for many years.

Mr. GALLINGER. The subsidy for this service?

Mr. HOPKINS. For over twenty years.

Mr. PENROSE. The Southern mail appropriation has been in for many years.

Mr. GALLINGER. But it is in a different form this year?

Mr. PENROSE. There is different phraseology applying to the expenditure of it.

Mr. MONEY. Mr. President—

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. MONEY (to Mr. MALLORY). Did you have the floor?

Mr. MALLORY. I thought so, but it seems I had not.

The VICE-PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. MONEY. I desire to say a few words on this amendment.

Mr. PENROSE. I yield.

Mr. MONEY. Mr. President, this amendment has been in the Post-Office appropriation bill for a great many years. I was the author of it a great many years ago; I suppose twenty-five or more, possibly twenty-eight. I was chairman of the Committee on Post-Offices in the House, and the Postmaster-General—

Mr. PENROSE. To set the matter right, the Senator from Mississippi, in speaking of "this amendment" refers more, I take it, to the appropriation.

Mr. MONEY. I am speaking to the subject, not to this particular amendment.

Mr. PENROSE. The Senator does not refer to the amendment of the committee, as I understand.

Mr. MONEY. No; I am talking of the general subject of extra money being expended for mail service on that route.

Mr. PENROSE. That is contained in the bill as it came from the House.

Mr. MONEY. I will ask the Secretary to read the amendment, that I may understand exactly what it is.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 25, line 21, after the word "shall," strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert:

Consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

So as to make the clause read:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MONEY. Mr. President, I was not aware of the nature of the amendment. I supposed the question to be the general one. But I should like to say a few words on the amendment.

In the first place, it is pretty well known to the gentlemen who have made up this bill that the Postmaster-General has refused to recommend this appropriation for quite a number of years. He has failed to recommend it, and he has also said very positively that he did not want it, but he has expended it because he considered an appropriation as a direction or instruction from Congress to him so to expend it. I for one should not like to see this proviso put in, because, contrary to the opinion of the Postmaster-General, I believe it is very highly necessary to facilitate and expedite the mails from here to New Orleans, and it continues in that expedition very far to the west. It is a service that has been enjoyed for a number of years, and as I happen to live directly on one of the railroads, the Louisville and Nashville, that carries part of this mail, I know that the train that carries the mail carries nothing else, and it goes thundering by at tremendous speed.

I do not think the railroads get too much for the service. When the service was first established, it was intended to have a fast mail from Boston to Habana, and the contract was given, I think, to the Atlantic Coast Line, or the Seaboard Air Line, I forget which. That road carried the mail to Tampa, but under the law giving only inland and ocean postage to the steamships for their service, it was impossible to get the mails carried from Tampa to Habana.

I had placed in a bill a paragraph that brought Habana within the postal delivery of the United States, which permitted the Postmaster-General to make a contract for a rate of compensation that was greater than the inland and sea postage. By that arrangement he made a contract which put the *Mascotte* and the *Olivette* into the trade, which fully justified the wisdom of the measure by very largely increased mail and travel facilities.

The roads that enjoyed this expedition subsidy or bonus threw up the contract after several years of service, on the ground that they could not meet the schedule of the Postmaster-General without loss. When they threw it up it was transferred to the Southern and the Louisville and Nashville to New Orleans. In other words, instead of going to Tampa the mail was carried to New Orleans. It has been very much of a benefit to the domestic postal service. About that time I had a table prepared by quite a distinguished statistician to show the number of cities and the population and the business tributary to

each of those lines, and I was preparing to make a proposition to have it transferred to this other line, when the Seaboard or the Atlantic Coast Line, I forget which, threw up the contract.

The cities along this route and the people served by it would be very unwilling to have this service cut off at the pleasure or judgment or discretion of the Postmaster-General. The hostility of that public functionary to this appropriation is well known. I do not mean the present incumbent, but I mean the Postmaster-General. For several years he has been against it. But he has constantly been overruled by Congress, and the people have continued to enjoy the extra facilities it afforded. They want those facilities continued, and, in my opinion, they should have them. To put this proviso in the bill means, I believe, to expunge from the bill the appropriation. Therefore I hope that the proviso will not stand.

Mr. PENROSE. Mr. President, I do not understand that the Department is against this appropriation. As I have already stated, it has been in the bill for many years. The appropriation for the special facilities from Washington to Atlanta and New Orleans and the appropriation in the following paragraph of \$25,000 for similar facilities from Kansas City, Mo., to Newton, Kans., which has likewise remained in the bill for many years, are the last remaining traces of a system of appropriation for certain special facilities which have from time to time and gradually been abandoned by the Government.

Mr. GALLINGER. Subsidies, so to speak.

Mr. PENROSE. Subsidies in their nature. And in some cases they have been voluntarily surrendered. The reason for not specifically recommending it is stated by the Postmaster-General:

It appears to be a discrimination in favor of a road or of a section of the country. Personally, I am not in favor of anything in the nature of a special privilege to a road or to a section.

At the same time, the Department does not say to the committee or to Congress that these extra facilities are not secured by this appropriation. The committee, ever since I have been connected with it, has felt convinced that these additional facility appropriations did give a service of a very important and valuable character to a vast stretch of country lying south of Washington, which, perhaps, notwithstanding the theoretical objection to this last remaining subsidy in our postal system, would not be obtained by the inhabitants of that great section.

I for one believe that the appropriation might fairly remain in the bill for some years longer, until that section of the country, now growing and increasing so rapidly in population and prosperity, catches up to the rest of the country, when, perhaps, this subsidy will no longer be asked for even by the railroads.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. Certainly.

Mr. MALLORY. Mr. President, the language which it is proposed to strike out is, if I am not mistaken, the language which has been used in this appropriation for many years past. It will be observed that in the succeeding paragraph the same language that is stricken out in this paragraph is employed with reference to the appropriation for the service from Kansas City, Mo., to Newton, Kans., \$25,000. The language there is the same as the language that it is proposed to strike out in this paragraph.

I have understood—I do not know whether correctly or not—that the Postmaster-General has expressed the opinion that the special mail facilities between Washington, Atlanta, and New Orleans is not necessary. I do not assert that to be the fact, but I have understood that he has expressed that opinion. I happen to live in close proximity to that line, and I have every day very positive evidence of the benefit which these special mail facilities confer, at least upon certain sections of the country.

At my home I can get by 9 or half past 9 o'clock on Tuesday morning the New York Herald of the previous morning, a thing which, until these special mail facilities were established, was an impossibility. If the mail facilities are taken away, it will make a difference in the arrival of the mail in my home of seven or eight hours. The reason for it, of course, is obvious to anyone who has given the matter any attention. The railroads can not afford to run fast mail trains over a route so long and so sparsely settled as is the route between Washington and New Orleans. If they could dispatch five or six fast trains a day carrying passengers and mail, there would not be any necessity for this item. If conditions with us were such as they are in New England and other thickly settled portions of the country, there would be no occasion for it. But this service is a great benefit to a large area of country, not only along the route, but on each side of it for from a hundred

to a hundred and fifty miles, and the sudden taking of it off, I think, would be very injurious to the interests of the country affected.

Whether this language is, in effect, an inhibition on the Postmaster-General, I will not undertake to say, but if it is a fact that the Postmaster-General has expressed the opinion that it is not necessary to have these special mail facilities, I am inclined to think the language which has been inserted by the committee will debar him from making any contract or allowing these special facilities appropriations to be expended.

Mr. MONEY. He has not recommended it for years.

Mr. MALLORY. I know he has not; but the language is:

Unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

We fix the sum at \$142,000, and then say it shall be determined by the judgment of the Postmaster-General. I hope it is not the intention of the committee to destroy this facility. I am only taking up the time of the Senate in alluding to it, because I am very apprehensive that the substitution of this language for the language which has been employed heretofore for many years regarding these facilities will result in stopping the fast mail.

Mr. SIMMONS. Mr. President, the proviso under discussion was placed in the bill at my instance. I had given considerable investigation to this subject, and at my request the Postmaster-General came before the committee and was exhaustively examined with reference to it. As the result of those investigations and the testimony of the Postmaster-General, this state of facts was disclosed: For a long time—that is, for quite a number of years—the Postmaster-General has not recommended this appropriation. I believe Postmaster-General Wanamaker was the first Postmaster-General to refuse to recommend it.

Mr. MALLORY. That was when it was under the Atlantic Coast Line.

Mr. SIMMONS. That is when it was under the Atlantic Coast Line. But the service was very much the same as it is now.

In refusing to recommend it he discussed the subject, and reached the conclusion that it was not necessary; on the contrary, that it was really an embarrassment to securing the best mail service for that section. It was also disclosed that the proviso in the present law, for which the amendment now under discussion is to be substituted, has been in the law as a part of this particular provision or appropriation for a great number of years, but that neither the present Postmaster-General nor any other Postmaster-General has ever given the slightest consideration or effect to that proviso. I have here the testimony both of General Shallenberger and of Mr. Cortelyou, the Postmaster-General, in which they say that they have not regarded this proviso as it appears in the present law; that they have held that the action of Congress in making the appropriation and then attaching this proviso—that so much of it should be expended as in the judgment of the Postmaster-General was in the interest of the postal service—was in the nature of an instruction to the Postmaster-General to expend the money. In other words, they regarded the appropriation as mandatory; they have regarded the appropriation as controlling the proviso, and they have never given any effect whatever to the proviso.

When the Postmaster-General was asked why he did not recommend this appropriation, he said he did not recommend it because he did not think it was wise to make a distinction in favor of the postal service facilities of one section over those of another section. He was then asked the direct question if in his judgment this appropriation was needed for the purpose of securing proper mail expedition for the section of country interested; and he answered that he had never investigated that question, and that he had no opinion with reference to it. When he was asked why he had not investigated it, in view of the fact that here was a proviso which said to him he should spend no part of this money except as might, in his judgment, be necessary, he said he had not investigated it because he did not consider that proviso as binding upon him.

I do not desire to discuss the matter, but my object and purpose in changing the form of this proviso was to make it a mandatory proviso, because the Postmaster-General has said he regarded it simply as a directory proviso. The Postmaster-General said he did not know whether the appropriation was necessary or not, but he said, while he had never given any effect to the old proviso, if the proviso which is now in the bill was adopted, he would regard it as a direction to him by Congress to make an investigation into this matter, and that he would make an investigation, and if he found, as a result of that investigation, that this appropriation was needed, that an

extra train was necessary, he would hire the extra train and pay whatever the service might be worth out of the appropriation.

I do not think the Senator from Florida [Mr. MALLORY] is at all correct when he says the Postmaster-General expressed an emphatic opinion.

Mr. MALLORY. I did not say that.

Mr. SIMMONS. I withdraw the word "emphatic."

Mr. MALLORY. I said I understood he had stated it. I did not assert it as a fact.

Mr. SIMMONS. I beg pardon of the Senator if he understood me to say that he asserted it as a fact. However, he is mistaken in his information. The Postmaster-General did not express an opinion about that matter one way or the other. He said he had no opinion about it, and that he had no opinion about it because he had never regarded the old proviso of binding force and never made any investigation. But he said if the proviso now proposed was adopted, he would deem it his duty to make an investigation, and he would make an investigation, and he would make a finding of facts, and if he found that this extra service was needed, he would use the money for the purpose of engaging such additional service as might be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Post-Offices and Post-Roads.

Mr. MALLORY. I hope the Senator from Pennsylvania will permit this matter to go over until to-morrow morning.

Mr. PENROSE. If that is the wish of the Senator from Florida, I will not ask the Senate to proceed further with the consideration of the bill to-night. The hour is getting late, and I will move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Will the Senator permit me for one moment?

The VICE-PRESIDENT. Does the Senator from Pennsylvania withdraw his motion?

Mr. PENROSE. I do.

Mr. TILLMAN. I ask that the amendment beginning in line 10 and ending in line 23, on page 18, be considered open, for the purpose of offering an amendment to it.

The VICE-PRESIDENT. Without objection, it will be regarded as open to amendment.

EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 29, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 28, 1906.

COMMISSIONER OF FISH AND FISHERIES.

George M. Bowers, of West Virginia, to be Commissioner of Fish and Fisheries in the Department of Commerce and Labor. (Reappointment.)

DISTRICT ATTORNEY.

James W. Ownby, of Texas, to be United States attorney for the eastern district of Texas. A reappointment, his term expiring June 30, 1906.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Wyllis A. Hedges, of Yale, Mont., to be receiver of public moneys at Lewistown, Mont., vice Louis W. Eldridge, term expired.

Chauncey C. Bever, of Billings, Mont., to be receiver of public moneys at Billings, Mont., a newly created office.

George O. Freeman, of Montana, to be receiver of public moneys at Helena, Mont., to take effect June 30, 1906, at the expiration of his term. (Reappointment.)

REGISTERS OF LAND OFFICES.

Clarence E. McKoin, of Gilt Edge, Mont., to be register of the land office at Lewistown, Mont., vice Edward Brassey, term expired.

Elmer E. Esselstyn, of Red Lodge, Mont., to be register of the land office at Billings, Mont., a newly created office.

Frank D. Miracle, of Montana, to be register of the land office at Helena, Mont., his term having expired. (Reappointment.)

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont., his term having expired. (Reappointment.)

PROMOTIONS IN THE NAVY.

P. A. Paymaster Donald W. Nesbit to be a paymaster in the Navy from the 18th day of March, 1906, vice Paymaster Howard P. Ash, deceased.

P. A. Paymaster John S. Higgins to be a paymaster in the Navy from the 4th day of May, 1906, vice Paymaster Ulysses G. Ammen, retired.

PROMOTIONS IN THE ARMY.

Capt. Edwin A. Root, Tenth Infantry, to be major from May 25, 1906, vice Miller, Nineteenth Infantry, detailed as inspector-general.

First Lieut. John L. De Witt, Twenty-first Infantry, to be captain from May 25, 1906, vice Ahern, Ninth Infantry, retired from active service.

First Lieut. Charles E. Morton, Sixteenth Infantry, to be captain from May 25, 1906, vice Root, Tenth Infantry, promoted.

Capt. John S. Kulp, assistant surgeon, to be surgeon with the rank of major from May 26, 1906, vice Lippitt, resigned.

POSTMASTERS.

ALABAMA.

Joseph P. Dimmick to be postmaster at Montgomery, in the county of Montgomery and State of Alabama, in place of Charles W. Buckley. Incumbent's commission expired May 19, 1906.

CALIFORNIA.

James C. Allen to be postmaster at Tracy, in the county of San Joaquin and State of California, in place of Clayton A. Douglas, resigned.

Robert G. Benson to be postmaster at Oakdale, in the county of Stanislaus and State of California, in place of Alice A. Hanna. Incumbent's commission expires June 24, 1906.

C. J. McDivitt to be postmaster at Randsburg, in the county of Kern and State of California, in place of Austin Young. Incumbent's commission expired May 16, 1906.

IDAHO.

Grace H. Woolley to be postmaster at Preston, in the county of Oneida and State of Idaho. Office became Presidential January 1, 1906.

INDIAN TERRITORY.

J. F. Long to be postmaster at Stigler, District 14, Indian Territory. Office became Presidential April 1, 1906.

KANSAS.

Luther M. Axline to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in place of James N. Titus, resigned.

Frank Hobart to be postmaster at Glen Elder, in the county of Mitchell and State of Kansas, in place of Frank Hobart. Incumbent's commission expired January 16, 1906.

Henry B. Van Nest to be postmaster at Peabody, in the county of Marion and State of Kansas, in place of Henry B. Van Nest. Incumbent's commission expires June 25, 1906.

MASSACHUSETTS.

George A. Ballard to be postmaster at Fall River, in the county of Bristol and State of Massachusetts, in place of George A. Ballard. Incumbent's commission expires June 24, 1906.

Augustus W. Bearse to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts, in place of Augustus W. Bearse. Incumbent's commission expired May 8, 1906.

MICHIGAN.

Chauncey J. Halbert to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan, in place of Charles McKelvie. Incumbent's commission expires June 6, 1906.

NEW JERSEY.

John J. McGarry to be postmaster at Edgewater, in the county of Bergen and State of New Jersey. Office became Presidential April 1, 1906.

NEW YORK.

W. E. Hughes to be postmaster at Fulton, in the county of Oswego and State of New York, in place of Amos Youmans. Incumbent's commission expired April 22, 1906.

NORTH CAROLINA.

Branson R. Beeson to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina, in place of Branson R. Beeson. Incumbent's commission expires July 1, 1906.

OHIO.

Augustus J. Eminger to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio, in place of Augustus J. Eminger. Incumbent's commission expires June 9, 1906.

Albert W. McCune to be postmaster at Bradford, in the county of Miami and State of Ohio, in place of Albert W. McCune. Incumbent's commission expired April 30, 1906.

SOUTH DAKOTA.

Charles W. Siglinger to be postmaster at Webster, in the county of Day and State of South Dakota, in place of Charles W. Siglinger. Incumbent's commission expired May 9, 1906.

VIRGINIA.

Archibald M. McClintic to be postmaster at Fincastle, in the county of Botetourt and State of Virginia. Office became Presidential April 1, 1906.

WISCONSIN.

Levi L. Odell to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin, in place of Levi L. Odell. Incumbent's commission expired May 19, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1906.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. William G. Stimpson to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 10, 1906.

P. A. Surg. George B. Young to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 10, 1905.

REGISTER OF LAND OFFICE.

Fred W. Stocking, of Washington, to be register of the land office at Olympia, Wash., his term having expired May 8.

POSTMASTERS.

MISSOURI.

Edmond L. Schofield to be postmaster at Bolivar, in the county of Polk and State of Missouri.

NEW YORK.

James T. Larmonth to be postmaster at Jamestown, in the county of Chautauqua and State of New York.

Joseph D. Senn to be postmaster at Morrisville, in the county of Madison and State of New York.

PENNSYLVANIA.

William H. Baker to be postmaster at Ridgway, in the county of Elk and State of Pennsylvania.

James C. Brown to be postmaster at Bloomsburg, in the county of Columbia and State of Pennsylvania.

TEXAS.

Harry A. Griffin to be postmaster at Galveston, in the county of Galveston and State of Texas.

Richard B. Harrison to be postmaster at New Boston, in the county of Bowie and State of Texas.

HOUSE OF REPRESENTATIVES.

Monday, May 28, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday last was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the motion was agreed to.

WILLIAM H. OSENBURG.

Mr. CUSHMAN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move the change of reference of the bill (S. 5352) for the relief of William H. Osenburg, to the Committee on Naval Affairs from the Committee on Interstate and Foreign Commerce.

The question was taken; and the motion was agreed to.

CHANGES OF REFERENCE.

Mr. SULLOWAY. Mr. Speaker, I am directed by the Committee on Invalid Pensions to move the reference of the bill (S. 4585) granting an increase of pension to Mary A. Counts, from the Committee on Invalid Pensions to the Committee on Pensions.

The question was taken; and the motion was agreed to.

Mr. SULLOWAY. Also, the bill (S. 3097) granting an increase of pension to Sarah A. Petherbridge, from the Committee on Invalid Pensions to the Committee on Pensions.

The question was taken; and the motion was agreed to.

REPRINT OF SENATE BILLS.

Mr. GROSVENOR. Mr. Speaker, I want a reprint of two Senate bills—Senate 4805 and Senate 4806—with the committee amendments. I asked this same thing a few days ago, but did

not think at the time of the committee amendments, therefore the reprint was valueless; and I ask to get a reprint of these bills with the amendments of the committee.

The SPEAKER. The gentleman from Ohio asks a reprint of the following Senate bills, of which the Clerk will report the titles:

The Clerk read as follows:

A bill (S. 4805) to prohibit aliens from taking or gathering sponge in the waters of the United States.

A bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponge.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Objection is made.

The SPEAKER. The gentleman from Mississippi objects.

Mr. GROSVENOR. Mr. Speaker, I move to reprint these bills.

The SPEAKER. The Chair will state to the gentleman from Ohio that his request can only be granted by unanimous consent. The Chair would also state to the gentleman that if he desires it the bills can be referred to the Committee on Printing, and, as the Chair is at present advised, their report will be privileged. What disposition does the gentleman desire to make of the bills?

Mr. GROSVENOR. I think I had better make the motion that the bills be reprinted. There will be no objection to that, as I understand. I move that the two bills, with the committee amendments, be printed.

The SPEAKER. That takes unanimous consent at this stage. The gentleman can arrive at what he desires in the matter by referring the bills to the Committee on Printing.

Mr. GROSVENOR. Very well; they may be referred.

PENSIONABLE STATUS FOR MISSOURI MILITIA.

Mr. RHODES. Mr. Speaker, I desire to ask unanimous consent that the bill H. R. 11503 be reprinted, for the reason that the supply has been exhausted.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the reprint of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11503) to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the war of the rebellion.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a reprint of this bill. Is there objection?

Mr. GROSVENOR. I think we better treat all alike. I object.

The SPEAKER. The gentleman from Ohio objects.

Mr. RHODES. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. If "the gentleman from Missouri" asks unanimous consent to reprint a bill, and the gentleman from Ohio should object, then what course is open to "the gentleman from Missouri?"

Mr. GROSVENOR. I withdraw my objection. I do not desire to play baby because somebody else plays baby.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DENATURED ALCOHOL.

Mr. PAYNE. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 17453, with Senate amendments.

The SPEAKER laid before the House the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials, with Senate amendments, which were read.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. BARTLETT. Mr. Speaker—

Mr. PAYNE. I yield to the gentleman for a question.

Mr. BARTLETT. I want to ask the gentleman if the provisions of this act with reference to forfeiting to the Government all personal property, and also all real estate upon which the operations are carried on illegally, are the same as those now in existence in cases of violation of the internal-revenue law, or if they are new provisions? For instance, it is provided that the person who violates this act shall forfeit to the Government all personal property, and in addition thereto all real estate upon which the illegal acts are committed.

Mr. PAYNE. I understand that a similar provision is contained in the law against "moonshiners," to use a popular term, people who violate the act with regard to distilling. I think the provision is drawn after that one. I have not read it carefully, but my recollection is that it is the same.

Mr. BARTLETT. The gentleman will understand that one

of these illegal manufacturers of this kind of alcohol might be occupying rented or leased premises, and it would be very difficult for the Government to forfeit the property upon which the operations were carried on, unless it was the property of the man who violated the law.

Mr. PAYNE. Well, that is a question of law, whether we could forfeit any more than what the person engaged in the illegal distilling owned in the premises.

Mr. BARTLETT. My recollection of the law against illicit distilling is that in order to forfeit real estate it must be the property of the person violating the law, or the violation must be done with the knowledge or consent of the owner.

Mr. PAYNE. That would seem to follow with reference to this provision.

Mr. BARTLETT. It does not say so.

Mr. PAYNE. You could not forfeit it unless he owned it.

Mr. BARTLETT. I understand you could not, but the bill provides that you can.

Mr. PAYNE. Oh, no. I think the gentleman will find the language exactly the same. I am not familiar with the construction of the law in this case, because we do not have any illicit distilleries anywhere near my district. [Laughter.] But I understand the language is exactly the same. I do not know what the courts have held.

I want to say just a word, Mr. Speaker. The House will remember that the House bill provided that this act should go into effect three months after its passage. The Senate has amended that and made it the 1st of January next. Possibly the postponement is for an unnecessarily long time, but we are content to accept that amendment. The other amendments of the Senate, except the one just referred to by the gentleman from Georgia, are, I think, harmless in either direction. Some of them are a little crudely drawn and show evidence of haste, but they do not seem to affect the bill as it passed the House. I think the bill is substantially the House bill, and I hope the House will concur in the amendments.

The question being taken, the Senate amendments were concurred in.

FORTIFICATION OF PURE SWEET WINES.

The SPEAKER also laid before the House the bill (H. R. 15206) to amend existing laws relating to the fortification of pure sweet wines, with Senate amendments thereto.

The Senate amendments were read.

Mr. NEEDHAM. Mr. Speaker, I move to concur in the Senate amendments.

Mr. WILLIAMS. I do not think the House understands the nature of the Senate amendments. I am sure I do not. I wish the gentleman from California would explain them so that we may understand them.

Mr. NEEDHAM. Under the present law there may be added to the must of wine beet or cane sugar. These amendments permit the addition also of pure anhydrous sugar, which is desired by eastern wine makers. I will say to the gentleman from Mississippi that I have consulted with the gentleman from Missouri [Mr. CLARK], and he is entirely satisfied with the amendments. They were placed in the bill in the Senate by Senator STONE, of Missouri, and the effect will be to allow another class of sugar to be added to the must of wine to sweeten it.

Mr. WILLIAMS. As well as cane sugar?

Mr. NEEDHAM. Yes.

The question being taken, the Senate amendments were concurred in.

THE CENSUS OFFICE.

The SPEAKER also laid before the House the bill (H. R. 12064) to amend section 7 of an act entitled "An act to provide for the permanent Census Office," approved March 6, 1902, with Senate amendments.

The Senate amendments were read.

Mr. CRUMPACKER. Mr. Speaker, I move that the House concur in the Senate amendments. The bill is amendatory of section 7 of the act to make the Census Office a permanent office, and it adds to the requirements contained in the original law the duty of collecting certain statistics of crime, statistics of savings institutions, and statistics of insurance. The bill provides that the Official Register shall be published by the Director of the Census instead of by the Secretary of the Interior. The bill passed the House and was amended verbally in the Senate in two or three instances, and the only material amendment made was striking out the provision requiring statistics of insurance. That is the only material amendment made in the House bill. The House bill provided for investigations for statistical purposes of life, marine, and fire insurance, casualty insurance, and all kinds of insurance. The Senate struck that out of the bill.

Mr. MANN. The Senate did not insert any new items?

Mr. CRUMPACKER. No new items. It changed the details in relation to the Official Register. The bill repealed the law authorizing the publication of the Official Register by the Secretary of the Interior, and the Senate struck that out and provided that the information which the law now requires to be sent to the Secretary of the Interior shall be transmitted to the Director of the Census. There is no material change in the bill except the elimination of statistics of insurance.

The question was taken, and the motion to concur in the Senate amendments was agreed to.

SUBDIVISION OF CERTAIN LANDS IN THE STATE OF WASHINGTON.

The SPEAKER also laid before the House the bill (H. R. 17127) to provide for the subdivision and sale of certain lands in the State of Washington.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

RELIEF FOR THE STATE OF RHODE ISLAND.

The SPEAKER also laid before the House the bill (H. R. 5539) for the relief of the State of Rhode Island, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. I would like to have the gentleman from Rhode Island give some explanation of the bill and the Senate amendments.

Mr. CAPRON. Mr. Speaker, when this bill came back from the Senate it contained amendments modifying the provisions which the House had enacted. It is a bill to reimburse the State of Rhode Island for certain moneys expended during the Spanish war. It passed the House, went to the Senate, and that body modified the House provisions. The gentleman from Kansas [Mr. MILLER] has the papers in his possession, but he seems to be out of the Chamber at this moment. I know that everything in the bill is exactly as it went from the House except some modifications, differing from the Iowa bill, which had previously passed, and which the House bill followed in the case of the Rhode Island claims, which makes the liability of the Government less than it was when it went from the House.

Mr. WILLIAMS. Can the gentleman give some idea of the Senate modifications?

Mr. CAPRON. I had them in my possession, and handed the papers to the chairman of the Claims Committee. He not expecting that the bill would come up at this time on District day, I presume, is the reason the gentleman from Kansas is out at this moment. I know it is a matter in which all parties are agreed. The amendment is this: Line 6, strike out all after the word "Spain," down to and including line 15, and insert "under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, April 27, 1904," making it entirely conformable to existing law which has been enacted in reference to all the other States, and in which, when the bill was before it, I said was in all respects like similar bills of other States except that the State of Rhode Island had not at that time formally presented its claim that the balance due it be paid as it had to the other States. This makes the law entirely conform to that passed to reimburse the other States.

Mr. WILLIAMS. Then do I understand there are outstanding claims of the State of Rhode Island against the Federal Government and of the Federal Government against the State of Rhode Island?

Mr. CAPRON. No; except in the case the gentleman first stated—that is, claims of the State of Rhode Island against the United States, which this seeks to adjust.

Mr. WILLIAMS. Why does the Senate put in this modification? If my recollection of the law referred to in the Senate amendment is correct, it is a law which requires a State coming to the Federal Government in order to receive an appropriation based upon a claim by the State against the Federal Government to have adjusted all claims of the Federal Government against the State.

Mr. CAPRON. Exactly that.

Mr. WILLIAMS. If there be no claim by the Federal Government against the State of Rhode Island, why the necessity of that amendment?

Mr. CAPRON. Because there is a claim of the State of Rhode Island remaining unsettled against the Federal Government, such as have been settled with the other States under the acts severally referred to in the Senate amendment, which

modifies the bill as it went from the House to the Senate recently.

Mr. WILLIAMS. Does the Senate amendment decrease the possible liability of the Federal Government?

Mr. CAPRON. It decreases the possible liability; yes.

The SPEAKER. The question is on concurring with the Senate amendment.

The question was taken; and the motion was agreed to.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 16484) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, with Senate amendments thereto.

The Senate amendments were read.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, before that is done I think we are pursuing a course here which is rather hurried. The House does not know what we are doing. How many Senate amendments are there?

Mr. CAMPBELL of Kansas. There are four, all relating to one subject. The Senate has amended the bill that we sent over from the House reorganizing the police force by striking out our provision for three police surgeons, at \$1,800 a year, making it four, at \$600 a year. That is the effect, and the whole effect, of the Senate amendments.

Mr. WILLIAMS. We had three, at \$1,800?

Mr. CAMPBELL of Kansas. Three, at \$1,800 each, and the Senate made it four, at \$600 each.

Mr. WILLIAMS. A reduction of \$1,200?

Mr. CAMPBELL of Kansas. Yes. The Senate made a cut of \$1,200 each. Our provision was this: That the three surgeons give their whole time to the fire department and the police department, at a salary of \$1,800 per year. The Senate amended the provision, creating four, giving them \$600 each, and permitting them to practice their professions in the regular way, answering the call of the city when their services were needed.

Mr. WILLIAMS. Mr. Speaker, I suggest that the gentleman take a vote upon that amendment and then we will have an explanation of the other.

Mr. CAMPBELL of Kansas. Well, the other amendments all relate to this one subject.

Mr. WILLIAMS. So that the other amendments are practically the same—they are the same subject-matter?

Mr. CAMPBELL of Kansas. Yes.

Mr. WILLIAMS. In that event they can be voted on together.

Mr. KEIFER. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KEIFER. I understand the House bill made an appropriation for three, at \$1,800 each.

Mr. CAMPBELL of Kansas. Yes; that is right.

Mr. KEIFER. Not \$1,800 for the three?

Mr. CAMPBELL of Kansas. No; \$1,800 each.

Mr. KEIFER. That would be \$5,400.

Mr. CAMPBELL of Kansas. Yes.

Mr. KEIFER. The Senate amendment is four, at \$600, which makes \$2,400, which would be a reduction of \$3,000.

Mr. CAMPBELL of Kansas. The gentleman's mathematics are correct.

The SPEAKER. The question is on concurring with the Senate amendments.

The question was taken; and the motion was agreed to.

JOSEPH FRENCH.

The SPEAKER laid before the House the bill (H. R. 17072) granting an increase of pension to Joseph French, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from New Hampshire explain to us the nature of the Senate amendment?

Mr. SULLOWAY. The facts are these. Certain evidence went to the Senate committee that was not before the House committee, and on that evidence the gentleman is clearly entitled to his \$72. We reported it at \$50 on the evidence that was before us.

Mr. WILLIAMS. This is a case with different evidence before the two Houses?

Mr. SULLOWAY. Additional evidence before the Senate committee.

Mr. WILLIAMS. And the gentleman thinks that in analogy with the law the gentleman is entitled to the increase?

Mr. SULLOWAY. I have no doubt about that.
The SPEAKER. The question is on concurring with the Senate amendments.

The question was taken, and the motion was agreed to.

WILSON H. McCUNE.

The SPEAKER also laid before the House the bill (H. R. 15869) granting an increase of pension to Wilson H. McCune, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the amendment was concurred in.

MALCOLM RAY.

The SPEAKER also laid before the House the bill (H. R. 15787) granting an increase of pension to Malcolm Ray, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the Senate amendment be concurred in.

Mr. WILLIAMS. Mr. Speaker, why was this change made?

Mr. SULLOWAY. Well, because the Senate thought we did not allow quite enough, and I presume they may be right.

Mr. WILLIAMS. But under the rules you pursue by analogy with the general law, could \$30 have been possible in this case?

Mr. SULLOWAY. This gentleman is substantially a total wreck and \$30 is the total amount. We made it, it seems by the report, at twenty-four.

The question was taken; and the amendment was concurred in.

SARAH L. GHRIST.

The SPEAKER also laid before the House the bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist, with a Senate amendment.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, I would like to have an explanation concerning that increase.

Mr. SULLOWAY. My impression is that this is a case where we reported from \$8 to \$12, and the Senate on account of the necessities and physical condition of the lady doubled the \$8 and made it sixteen.

Mr. WILLIAMS. Do you think that the \$16 ought to be appropriated?

Mr. SULLOWAY. I do.

Mr. STEPHENS of Texas. I would like to ask the gentleman if this is the widow of a Mexican war veteran?

Mr. SULLOWAY. No, indeed; it would not come to our committee if it were.

Mr. STEPHENS of Texas. I understand those widows are not entitled and can not receive under special act or otherwise more than \$12.

Mr. SULLOWAY. I do not know; another committee has charge of those matters.

Mr. STEPHENS of Texas. That is the reason of the inquiry. I thought perhaps it was.

The question was taken; and the amendment was concurred in.

WILLIAM LANDAHN.

The SPEAKER also laid before the House the following bill (H. R. 12135) granting an increase of pension to William Landahn, with Senate amendments.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken; and the amendments were concurred in.

COMBINATION BETWEEN THE AMERICAN TOBACCO COMPANY, THE CONTINENTAL TOBACCO COMPANY, AND THE IMPERIAL TOBACCO COMPANY, ETC.

Mr. STANLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. STANLEY. I wish to call up the following privileged report, and have the Clerk read it.

The SPEAKER. The gentleman offers the privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolution No. 432.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to report to the House of Representatives, for its information, all facts within the knowledge of the Department of Commerce and Labor which show or tend to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the American Tobacco Company, the Continental Tobacco Company, and the Imperial Tobacco Company, or any two of said companies, in violation of the act passed July 2, 1890, and entitled "An act to protect

trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof.

And all facts which show or tend to show that the American Tobacco Company, the Continental Tobacco Company, or the Imperial Tobacco Company, or any one or more of said companies, in combination or singly, have, contrary to the laws of the United States in such cases made and provided, interfered with or injured, or attempted to interfere with, injure, or destroy the business of competing manufacturers of tobacco by the infringement of trade-marks or patents, or by surreptitiously adulterating or securing the adulteration of the brands or output of competing companies engaged in the manufacture and sale of tobacco.

And all other facts within the knowledge of the Department of Commerce and Labor which show or tend to show the impending, interference with, or destruction of competition on the part of independent companies engaged in the manufacture or sale of tobacco by the American Tobacco Company, the Imperial Tobacco Company, or the Continental Tobacco Company, or any one of them, by illicit and illegal methods and devices.

The SPEAKER. The motion is to discharge the Committee on the Judiciary from the further consideration of the resolution.

Mr. TAWNEY. Mr. Speaker, I want to ask the gentleman from Kentucky a question. I understand it is not the gentleman's purpose at this time to press the consideration of the resolution. Does he desire to make a statement in connection with it, or concerning it?

Mr. STANLEY. I simply wish, Mr. Speaker, to call up this resolution and to make a statement. I have reason to believe that it would not be wise perhaps at this time to take this matter out of the hands of those who have it in charge, but I do think it is absolutely necessary that the attention both of this House and of the country should be called to the importance of this investigation and to the violations of law of which these tobacco companies are at present guilty.

Mr. TAWNEY. Mr. Speaker, in view of the statement made by the gentleman from Kentucky, I ask unanimous consent that he may proceed in order to make a statement to the House.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. TAWNEY]? The Chair hears none.

Mr. STANLEY. Mr. Speaker, the American Tobacco Company was incorporated under the laws of New Jersey January 31, 1890. Its first purpose was to own, control, or destroy all other manufacturers of cigarettes in the United States. For this purpose W. Duke & Sons formed a combination with Allen & Ginter, of Richmond, Va.; Kinney Tobacco Company, of New York and Virginia; W. S. Kimball & Co., of Rochester, N. Y., and Oxford, N. C., and Goodwin & Co., of New York. It is stated that the capital stock of this great concern was \$44,990,000, and that Duke's competitors received \$20,000,000 in cash for their good will under the sale.

The nature and extent of this gigantic concern, even in its infancy, is manifest from their own statement filed in the New York Stock Exchange in September, 1890:

AMERICAN TOBACCO COMPANY.

[Application to the New York Stock Exchange.]

The company is organized for the purpose of curing leaf tobacco, to buy, manufacture, and sell tobacco in all its forms, to establish factories, agencies, and depots for the sale and distribution thereof, and to do all things incidental to the business of trading and manufacturing aforesaid, etc., with power to carry on its business in all the States and Territories of the United States, and in Canada, Great Britain, and all other foreign countries.

The company has purchased and is the owner of all real estate, cigarette and tobacco factories, storage warehouses, leaf-curing houses, machinery, fixtures, patents, trade-marks, brands, good will, etc., of Allen & Ginter, Richmond, Va.; W. Duke Sons & Co., New York, N. Y., and Durham, N. C.; Kinney Tobacco Co., New York, N. Y., and Virginia; William S. Kimball & Co., Rochester, N. Y., and Oxford, N. C.; Goodwin & Co., New York, N. Y.

The assets of the company consists of the above real estate, warehouses, factories, machinery, fixtures, patents, trade-marks, brands, and good will, leaf tobacco raw material, cash and cash assets as follows:

For real estate, patents, factories, brands, good will, etc. \$22,365,353
Leaf tobacco and raw material 2,634,647

Total 25,000,000
Cash and cash assets 1,825,000

(Signed)

THE FARMERS LOAN AND TRUST COMPANY,

By W. D. SEARLES, Vice-President.

All the remaining cigarette interests on this continent were soon absorbed according to the statement of the American Tobacco Company's treasurer. The cigarette interests in Canada were absorbed at a cost of \$1,000,000.

The appetite grew with what it fed on. The treasurer's report for December, 1895, shows that this hungry cormorant was already becoming expert in the art of "benevolently assimilating" its competitors.

The business and assets of Hall's Between the Acts Cigarette Company, of New York, H. Ellis & Co., of Baltimore, Md., H. W. Meyer Tobacco Manufacturing Company, of New York, Consolidated Cigarette Company, of New York, and James B. Butler Tobacco Company, of St. Louis, Mo., were all forced to quit business or enter the combine. The amount paid for these

companies is reported at \$1,340,000 in cash and \$450,000 in scrip.

They were also mastering the art of inducing (?) competitors to sell much more reasonably.

ADVENT OF THE STANDARD OIL.

In 1898 an important new interest was now taken into the management of this trust and it was reported that Mr. Oliver H. Payne (of the Standard Oil Company) had acquired large amounts of the stock, and also that Grant B. Schley and John G. Moore and others had become interested in the trust.

The advent of the Standard Oil Company marks an era in the dark history of this organization.

Similar results might be expected if some arch fiend should assume the command of a company of familiar imps.

The American Tobacco Company was an apt scholar in this art of plunder by means of larcenies to which the statute has so far failed to fix a particular penitentiary sentence.

The remorseless rapacity, the unholy ambition to control or crush competition the world over, contempt for public opinion, and satanic defiance of all the laws of God and man, which had characterized the Standard Oil Company were from this time on to signalize the course of this monster monopoly.

In traveling to his home in Virginia, James B. Duke pointed from his car window and, seeing one of the tanks of the Standard Oil Company, declared—

I shall do for the tobacco business of this country what Rockefeller has done for Standard Oil.

Ignoble as was his ideal, base and cruel as have been his methods, it must be confessed with a sigh he has made good his promise, and as a ruthless and successful invader of property rights and human happiness he is in every way a worthy rival of his beau ideal, John D. Rockefeller.

CAPTURE OF PLUG INTERESTS—CONTINENTAL TOBACCO COMPANY FOUNDED FOR THAT PURPOSE.

Immediately after this union with the Standard Oil Company, there was in May, 1898, an additional issue of common stock to the extent of \$3,100,000, and it was widely stated that this stock was issued for the purpose "of acquiring new properties."

The new properties to be acquired were the plug industries of America. Prior to this bold raid of the American Tobacco Company upon the manufacturers of plug tobacco the American Tobacco Company's output amounted to about thirty millions of pounds. The output of the great firm of Liggett & Meyer alone amounted to 27,000,000 pounds, and the ten leading manufacturers of plug tobacco had an annual output of nearly 100,000,000 pounds.

Yet this then comparatively small concern engaged in the making of cigarettes, boldly attempted to capture or destroy every competitor in the manufacture of plug tobacco between the two oceans.

The American Tobacco Company secured control of the following firms:

P. J. Sory Tobacco Company, Middleton, Ohio; P. Lorillard & Co., Jersey City, N. J.; John Finzer & Bros., Louisville, Ky.; P. H. Mayo & Bro., Richmond, Va.; Daniel Scotten & Co., Detroit, Mich.; Harry Welsenger Tobacco Company, Louisville, Ky., and Drummond & Co., St. Louis Mo.

Eight years after the American Tobacco Company had organized with a capital stock of \$25,000,000 another organization is perfected as an integral part of it, and the Continental Tobacco Company is incorporated with a capital stock of \$70,000,000. This new concern was to engage solely in the manufacture of plug tobacco.

This new and deadly branch of this commercial upas, this ugly oliroc, was soon destined to overshadow the business and to darken the hopes of more than a million men, and under its polluting shade all rival enterprise, all honest and honorable endeavor was to wither and decay.

Here is a part of their own official statement filed with the New York Stock Exchange:

Organization.—Organized December 9, 1898, under laws of New Jersey. Authorized capital: preferred noncumulative 7 per cent stock, \$37,500,000; common stock, \$37,500,000. Par value of shares, \$100 each. No personal liability. Amount outstanding: preferred, \$31,145,000; common, \$31,145,000. Registrar, Chase National Bank, New York. Transfer agent, Manhattan Trust Company.

Owens the properties, rights, trade-marks, trade names, and assets of every kind heretofore owned by the following concerns: John Finzer & Bro., Louisville, Ky.; P. H. Mayo & Co. (Incorporated), Richmond, Va.; Daniel Scotten & Co., Detroit, Mich.; P. J. Sory & Co., Middletown, Ohio; Drummond Tobacco Company, St. Louis, Mo.; Brown Tobacco Company, St. Louis, Mo.; J. Wright Company, Richmond, Va.; Wright Brothers Tobacco Company, St. Charles, Mo. Also owns the common stock, amounting to \$3,000,000 par value, of the P. Lorillard Company, Jersey City, N. J., and the plug-tobacco business and assets pertaining thereto of the American Tobacco Company.

Leggett & Myers were at this time perhaps the largest and most successful manufacturers of plug tobacco on the globe. Their plant occupied an area 271 by 2,400 feet. President Wet-

more declared that its earnings were nearly one million annually, on output of 27,000,000 pounds, and the plant, good will, etc., were valued at \$15,000,000.

This great industry refused to be seduced, bought, or bullied and accepted the gauge of battle. They were the manufacturers of that popular brand of chewing tobacco known as "Star," and sold all over the United States.

The American Tobacco Company entered the field with a rival brand known as "Battle Ax." In this daring device was embodied the rude and imperious spirit of those who adopted it.

It was not competition; it was war to the death. At the close of the nineteenth century these mercenary marauders adopted methods which would have been scorned by those barbarous bands who first wielded a "battle ax" in medieval slaughter. With this savage weapon, which combined the weight of a mace and the cleaving edge of a saber, they determined to cut and batter to destruction both Leggett & Meyers and every other enterprise which dared to impede or oppose their omnivorous and law-defying lust for pelf and power.

"Battle Ax" was sold for cost—then for less than the actual cost of the leaf and the tax—according to Duke's sworn statement \$4,000,000 of money were thrown to the winds in this titanic conflict between this aspiring combine and the great firm which refused to surrender its right to conduct its own business with independence and integrity.

Neither the good name nor the excellence of its product, established for a generation, nor millions of capital, could avail against this fierce and determined onslaught of this terrible battle ax. The great firm of Leggett & Meyers went to the wall and was swallowed into the insatiate maw of this all-devouring trust.

With the fall of this great firm the doom of every manufacturer of plug tobacco in the United States was sealed. Stuffed with its costly booty, we find on April 21, 1899, the stock was increased to \$100,000,000 by the addition of \$12,500,000 preferred stock and \$12,500,000 common stock. There is outstanding at present \$48,844,600 (par value) of preferred stock and \$48,846,100 (par value) common stock.

Rice & Vaughn, of Louisville, Ky., were captured September, 1900.

SNUFF.

The American Tobacco Company now determined to take possession of the manufacture and sale of snuff.

At this time about 15,000,000 pounds of tobacco were annually manufactured into snuff, and there was invested in this business over \$17,000,000.

Ivy Owen & Co., of Lynchburg; Gail & Ax, of Baltimore; W. E. Garrett & Sons, Philadelphia; Stewart, Ralph & Co., Philadelphia; Held & Co., New Jersey; Lorillard & Co., New Jersey; Burton & Condy and Blackwell & Co., of Nashville; Atlantic Snuff Company, Philadelphia; Geo. W. Helm Company, Henriette, N. J.; Southern Snuff Company, Memphis, Tenn., were soon forced to surrender, and from the ruins of these great companies the American Tobacco Company developed another large tentacle, and this new arm of the octopus was known as the American Snuff Company, with a capital stock of \$23,001,700.

ROLLS FOR AFRICAN TRADE.

Cheap leaf and lugs were made into a long twist by taking a small hand of tobacco in this way [illustrating], just three or four leaves bound together and roughly formed in the shape of a cigar and packed between cotton-seed oil or linseed oil in a cask, the oil being used to keep one of these strings from sticking to the other. It was the cheapest tobacco known to the markets. This tobacco was sold in Mexico, in Central America, and on the coasts of Africa. It was manufactured by Hersheirn Brothers, New Orleans; W. S. Matthews & Sons, and Dortch & Co., Louisville, Ky. They, too, met the common fate of all. This trade is entirely gone; the American Company today controls it absolutely.

CIGAR BUSINESS.

But one interest remained. The cigar business escaped destruction until 1901, when the American Cigar Company was organized and absolutely controlled by the American and Continental companies, with a capital stock of \$10,000,000. The amazing power of assimilation possessed by this voracious concern is illustrated by the fact that the \$10,000,000 anaconda succeeded in swallowing without effort the Havana Commercial Company, a consolidation of a number of manufacturers of cigars and cigarettes, including the great firm of F. Garcia Brothers & Co. The Havana Commercial Company had a capacity of over 100,000,000 cigars annually and was capitalized at \$20,000,000.

The American Cigar Company soon had the following costly commercial scalps dangling from its belt: The Hummel-Voght

Company, Louisville, Ky.; the Wellman-Duree Tobacco Company, St. Louis, Mo.; the Cheroke factory of P. Whitlock, Richmond, Va. The Havana American Cigar Company, which is a consolidation of ten large cigar factories, was next induced to accept \$4,000,000 in 4 per cent bonds, which were guaranteed by the American and Continental companies. Roth, Bruner & Feist, of Cincinnati, Ohio, were, in the year following, forced to strike their colors.

When the Great Cubanas Company and the Henry Clay and Bock & Co. were "hors de combat," the last battle had been fought, and the American Tobacco Company, its allies and secret emissaries in absolute control of the great industry in all its forms.

DOMINION OF THE WORLD.

And now this monster monopoly did girt about its loins for its last supreme effort the absolute mastery of this great industry wherever it flourished on the globe. For that purpose it determined to bind together in a more compact and deadly union all its allied companies and accomplices, and to defy at once the majesty of the law at home and the hostile millions of the Old World beyond the seas.

I make no charge not abundantly and absolutely sustained by their own records.

In April, 1901, the shareholders of both the American and continental companies approved amendments to their certificates of incorporation "permitting the directors of each, by a two-thirds vote, to guarantee the principal or interest, or both, of securities issued by allied companies."

CONSOLIDATED COMPANY.

A new security-holding corporation, entitled the Consolidated Tobacco Company, was incorporated under New Jersey laws June 5, 1901, with an authorized capital of \$30,000,000.

The entire capital was immediately paid in cash, and the interests dominant in the control of the American and Continental companies acquired all of the stock. No shares were offered to the public.

On the 15th of June it was announced that "the leading consideration of the consolidation of the Consolidated Tobacco Company is the importance of concentrating the control of the American and Continental companies so as to insure their harmonious operation."

To facilitate the exchange of securities a syndicate was formed, which was managed by Messrs. Kuhn, Loeb & Co. and Thomas F. Ryan, which agreed to provide \$25,000,000 in cash.

A mortgage of the Consolidated Company was filed in August, 1901, in favor of the Martin Trust Company, and was limited to \$158,000,000.

This mortgage was a lien upon the present and future income, earning, and profits of the American and Continental companies. Upon the culmination of this commercial conspiracy, these two companies boldly attempted to capture the markets of the British Isles. They moved on the Old World. At that time in England the principal handlers and buyers of tobacco were composed of seventeen different firms. You will remember that in order to ship tobacco into Great Britain it must pay an initial tax of 72 cents. Now, in order to handle this product, which paid an import duty of 72 cents a pound alone before landing it in your warehouse, required an enormous amount of money. These seventeen purchasers and importers of tobacco had a capital stock of \$75,000,000; and yet when it was known that James B. Duke & Co., commonly called the "American Tobacco Company," had invaded the territory of Great Britain, that announcement was followed first by a panic and then by rage. They carried it to the extent of a propaganda. Hostility to this American invasion was almost preached in the pulpit.

The common people took it up; no shop, no retailer who was known to handle the American Tobacco Company's products could command the trade of his friends. Their product was boycotted in every city, in every crossroad, in every hamlet. Undismayed by the tremendous and stubborn opposition of the British Empire, they captured the great firm of Ogden & Co., perhaps the wealthiest of all importers of tobacco in the world. The Imperial Company, to hold the ground that it had gained, actually offered to divide among the dealers not handling the American Tobacco Company's products the sum of \$500,000 in six months.

They agreed to divide among these same dealers one-fifth of the entire profits of a business of a capital stock of \$75,000,000. The American Company, not to be outdone, offered to dealers handling their goods within the confines of Great Britain the staggering sum of \$1,000,000 a year for four successive years, and all the profits of the American Tobacco Company in Great Britain for the same period. That brought the Imperial Company to their knees, and then they more than surrendered. They

betrayed the interests of the people who had trusted them. They were conquered and then prostituted by this company. Under the terms of the agreement between the American Company and the Imperial Company, the Imperial Company of Great Britain, now itself a trust, was to have absolute control of the markets in Great Britain. The American Company was to have absolute control of the markets of the world. Here are the terms of an abject surrender and shameful betrayal of the people's interests:

As a matter of fact, the treaty of peace was as follows: The Imperial purchased Ogden's at Mr. Duke's own valuation and gave the American a large, though not a controlling, interest in their company. It was agreed that the Imperial should have the trade of Great Britain and Ireland itself. It was likewise arranged that the American company, in which, of course, the British had no interest, should remain in undisputed possession of the United States, Cuba, and the Philippines. To deal with the outside trade the British-American Tobacco Company was formed, with both British and American directors, but with the Americans in control. In other words, the Imperial surrendered the entire foreign market to the control of the Americans and gave them an interest in its own business as the price of the peace.

THE REGIES.

We are doubly barred from the ports of Europe. In 1902 we exported to Italy 37,536,942 pounds of American tobacco; to France, 31,557,215 pounds; to Spain, 28,792,693 pounds. In 1902 to the United Kingdom, 98,727,979 pounds, and in 1901 to Austria, 273,937 pounds.

Notwithstanding this enormous demand, not one ounce of this tobacco was landed or received in any of the five European countries named, except Great Britain, by any private individual.

In all the countries named, save Great Britain alone, the government has an absolute monopoly of this product, and the importation of tobacco in any form, by any person or company not duly authorized by the Government, is positively forbidden, and these restrictions are enforced with tireless and merciless exactness by the powerful beneficiaries of this business.

In each of these countries the governments, through their agents, known as "Regie contractors," buy for their respective governments such tobacco as in their opinion will satisfy the market therein. This tobacco is the property of the government to which it is consigned, is manufactured and sold by the duly authorized agents and officials of these various governments, and all the profits derived therefrom go as revenue directly into the coffers of the state.

The enormous profits derived from the government monopolies in this product are clearly illustrated from the following table, giving the number of pounds exported from the United States and the revenues derived. The import duty of Great Britain amounts practically to a government monopoly, and for that reason I have placed this in the category of governmental monopolies:

Country.	Exported from the United States.	Revenue from tobacco monopoly.
	Pounds.	
Italy, 1903	37,536,942	\$40,905,256
France, 1903	31,557,215	82,635,652
Spain, 1903	28,792,693	25,809,890
United Kingdom, 1902	98,727,979	60,335,085
Austria, 1901	273,937	44,675,450
Total	196,888,766	253,965,933

An examination of the foregoing table demonstrates that tobacco under these oppressive trade restrictions pays into the treasuries of five European countries annually the sum of \$253,965,933.

The producer of tobacco finding competition destroyed at home, debarred from Italy, France, Spain, the United Kingdom, and Austria, and the coast of South Africa had but one market remaining—Germany. About 6,000,000 pounds of this product were annually shipped to Bremen, and from that point were distributed to Sweden, Norway, Switzerland, Morocco, and other countries. I insert the following table, taken from Special Consular Reports, showing the sale of tobacco distributed from Bremen in the year 1899:

American tobacco sold from Bremen to—	
SWEDEN.	
In 1899, 2,182,000 pounds.	Value, \$992,949. (Special Consular Reports 1900, p. 94.)
NORWAY.	
In 1898, from Germany (Bremen), 2,554,300 pounds.	(Special Consular Reports, p. 98.)
SWITZERLAND.	
In 1899, 403,679 pounds.	Value, \$46,135. (Special Consular Reports 1900, p. 99.)

MOROCCO.

In 1899, 110,000 pounds. (Special Consular Reports 1900, p. 118.)

Morocco	-----pounds-----	110,000
Switzerland	-----do-----	403,679
Norway	-----do-----	2,554,300
Sweden	-----do-----	2,182,000
		5,249,979

The tobacco trust found that those producers and handlers of tobacco whom they had marked for destruction were finding a sale for their product which it, for sinister reasons, often refused to accept, by shipping it to Germany and distributing it from that point to the countries which I have named. The tobacco trust immediately shipped millions of pounds of tobacco into Bremen, ordered the sale of it for less than cost, as little as they paid for it. When advised by their factors in Germany that this tobacco could be sold for much more than the price demanded, they were peremptorily ordered to sell as per their instructions. Independent tobacco handlers whose all had been invested in these shipments of tobacco found that it was impossible to sell a pound of it at anything approaching its original cost; they were driven to bankruptcy and ruin, and to-day the trust absolutely controls this market.

With the destruction of the Bremen market the combine was the complete and absolute master of the world.

Now, the American Tobacco Company, the Continental Tobacco Company, and the Imperial Tobacco Company called into its councils the official buyers of France, Italy, The Netherlands, Spain, and Portugal, and they said to them: "We have it within our power to say that no two men shall ever bid upon the same tobacco plant anywhere in the world." They said to the buyer from Spain: "Where have you been buying tobacco?" "Why, in Robertson County, Tenn." They said to the buyer from Italy: "Where have you been buying your tobacco?" "In Graves County, Ky." "How many acres of tobacco can your Government consume in a year?" So many hundred acres. "We will give you dominion over that, and no other one of us will go into that territory." And so these men, these imperial agents, these buyers for Kings, and still more powerful than Kings and princes—the Imperial and the American tobacco companies—looked out from their lofty height and parceled out your country, sir, and mine, to be henceforth the home alone for vassals and for slaves.

Mr. Speaker, there has occupied the attention of the American people for the last 90 days, inquiry after inquiry of one kind or another into the violation of the law by various trusts and combinations. I want to say, not in the way of philippic, not as a loose, unfounded denunciation, but quietly, calmly, and deliberately, and to support what I say by absolutely uncontrovertible proof and by documentary evidence, that neither the Standard Oil Company, nor the Pennsylvania Railroad, nor any other combination of men outside of the penitentiary, have ever as openly and flagrantly violated the law and the rights of American citizens as has the American Tobacco Company in the last two years. I wish to say more than that, that it is the most perfectly organized, the most powerfully equipped, of all the trusts and combinations that to-day weigh upon the shoulders of the American people.

There are independent refineries to-day that manage to live, notwithstanding the efforts of the Standard Oil Company to destroy independent competition everywhere. There are independent makers of steel rails and wire nails, there are men who are conducting a business independently and lawfully in defiance of every other trust in the United States, but the time is here when, from the plant in the ground to the finished product, no man can engage in this business without doing fealty in money and in manhood to James B. Duke, the president of the American Tobacco Company.

Mr. MUDD. Will the gentleman object to an interruption?
Mr. STANLEY. Certainly not.

Mr. MUDD. I would like, if the gentleman sees no objection to it, for him to take the House in his confidence and indicate why he does not press his resolution. I, for one, would like to vote for it.

Mr. STANLEY. I will say frankly after I introduced this resolution the gentlemen who had this matter in charge took me into their confidence, and I was assured by Mr. Garfield that the Department was not ready to report at this time. I was assured by those in charge that they are hot on their trail. More than that, under the decision of Judge Humphreys in the case against the beef trust, if they were forced to answer under an investigation conducted by this House, instead of an investigation conducted by the Department, the Department is afraid that some scoundrel will get an immunity bath, and I would not dip him in there even to save my political head.

I am here to drive them to punishment if I can, and it is because that I believe it is better to wait for a time on the Department that I do not now push this resolution. It is because I fear the result of Judge Humphreys's decision. I do not criticize that judge. I shall bow to the majesty of the law and the wisdom of the court, but I will say in that connection that I do devoutly pray that the good Lord in his wisdom, and the Presidents in their discretion, will not inflict us with any more like him. A brief résumé of the history of this company is absolutely astounding. In 1890 Duke & Sons were engaged in the manufacture of cigarettes. They determined to organize a corporation that should control the cigarette industry in the United States. That was the extent of its purpose and operation. The American Tobacco Company was originally incorporated with a capitalization of \$25,000,000.

In a little while this company, with a capitalization of \$25,000,000, had formed out of its loins the Continental Tobacco Company, which I have shown is an integral part of the American Tobacco Company, with a capitalization of \$100,000,000. This little \$25,000,000 corporation, in order to control the snuff companies, formed the American Snuff Company, which I have proved by their own records is an integral part of the American Tobacco Company, with a capitalization of \$25,100,000. In order to control the making and manufacturing of cigars, this \$25,000,000 corporation formed another corporation—the American Cigar Company—with a capitalization of \$10,000,000.

To-day the American Tobacco Company and its allies have a capitalization of \$500,000,000. In other words, since 1890, when these people began a business that for two hundred years has paid only a fair profit to men who honestly conducted it, without inventing any patents, without discovering any gold mine, who have injured every brand of tobacco they have ever touched, whether cigar, cigarette, or plug, yet they have actually made, according to their own statement filed with the New York Stock Exchange, 100 per cent on their investment every ninety days since first beginning this wholesale robbery of the American people.

Now to my resolution. I want a searching inquiry, which will and can not fail to discover a combination in restraint of trade between the American, Imperial, and Continental Tobacco companies. I will say to the Department of Justice—and I have turned over a bushel basket of papers to them—that if they will go to Henderson, Ky.; if they will go to Owensboro, Ky., or to Nashville, Tenn., or to Clarksville, Tenn., they can lay their hands upon the men who are instructed to buy within a certain fixed and stated limit, and to buy for the Imperial Company, and to buy for the American Company. If they will go to Henderson they can lay their hands upon one man who represented in one office all three of these companies. If they will inquire to-day, they will find that where the grand juries were about to take that matter up they have turned over the county of Daviess to the American Tobacco Company, they have turned over the county of Henderson to the Continental Tobacco Company, and they have divided this country into sections composed of various districts, and that to-day they have absolutely throttled competition.

I want the Department of Justice to get Mr. Ferrego, who is occasionally in New York, an official buyer for the Italian Government, before this committee. I desire that they bring the buyers for France, for Spain, and for Austria before them, and I want them to unveil, as they could and will, I hope, the most cruel, most nefarious, most far-reaching conspiracy to rob and plunder that ever brought the blush of shame to American manhood or the specter of want to American toll. A foul compact, in which James B. Duke and his cohorts and emissaries went into a deliberate agreement with the buyers of Great Britain and with the buyers of France, Italy, and Spain, by which they agreed that those Governments may parcel out Kentucky, and Tennessee, and your State (I will state to my friend from Connecticut [Mr. HILL]), and they might buy within certain restricted territories at their own price, and that the American Tobacco Company would stand like an armed bandit and prevent honest competition anywhere in defiance of its hated fiat; and they have done it.

You may have some idea what this means when I tell you that there are no quotations on tobacco at all. You can see from the paper what wheat will bring, or what corn will bring, or what cotton will bring, but no man ever did read in the paper a quotation on the stock exchange of what tobacco would bring. It is sold at auction like household plunder. It is put upon the brakes and its price is fixed then and there by open competition between buyers, and having destroyed competition they have the power to take, without reward, without price, without giving its value, the product of all the tobacco growers in Kentucky, Tennessee, and everywhere else in the United States.

Mr. KELIHER. Were the prices of tobacco quoted prior to this organization?

Mr. STANLEY. Never. This tobacco is placed on the brakes, in hogsheads, and the buyers from 100 or 200 different factories, the buyers from France, Germany, Italy, and Spain would meet around that hogshead and bid on it, and a hogshead of tobacco would bring just what they would make it bring by active competition, and no man, until his tobacco was put on the brakes, could tell what it would bring.

Mr. KELIHER. What I wish to know is whether prior to the formation of this gigantic trust which he speaks of the prices of tobacco were quoted in the market like wheat.

Mr. STANLEY. No, and we did not care, because we had active competition.

Mr. HILL of Connecticut. I have not the slightest doubt that the same combination has been very successful in preventing the passage of the Philippine tariff bill.

Mr. GAINES of Tennessee. And they are preventing the repeal of the 6 cents tax on leaf tobacco in the United States Senate now.

Mr. STANLEY. I have the proof of that in cold type.

Now, I charge on the floor of this House that there exists to-day in defiance and in violation of law, State and national, a combination in restraint of trade between these great companies whose purpose is not only to restrict but to exterminate all competition, to reduce to bankruptcy and ruin the independent dealer, and to reduce to penury, to the level of a vassal and a slave, the unfortunate wretch who finds it necessary to cultivate this once expensive and coveted product of the soil, and I propose to lay before this House competent and undisputed proof of my assertions.

It is true that the president of these great companies denies that any such combination exists. He was asked:

Q. What are the relations between these two companies?

Here is his sworn statement:

A. There are no relations other than the American owns quite a large amount of stock in the Continental Company. (Statement of J. B. Duke before Industrial Commission, May 9, 1901, vol. 13, p. 317.)

That is his sworn statement before the Industrial Commission. Again:

Q. Is the American Cigar Company a new company?—A. Yes.—Q. Is it organized or controlled by either of your companies?—A. The Continental Company owns 35 per cent, the American Company owns 35 per cent, and 35 per cent by individuals.

Now, I will read the statement of Mr. H. G. Lee, treasurer of the American Tobacco Company, in which he swears that they are practically one company, and that they have their offices in the same building, and almost the same desk.

WASHINGTON, D. C., May 9, 1901.

TESTIMONY OF MR. H. D. LEE, TREASURER AMERICAN TOBACCO COMPANY, NEW YORK CITY.

Q. Do you know whether the Continental Tobacco Company has issued a circular letter of the general nature of this copy which was presented here a few moments ago?—A. My impression is they issued a circular about that date. Whether that is a true copy or not, I do not know.

Q. The business of the American Tobacco Company and the Continental Tobacco Company are carried on in the same building?—A. Yes.

Q. And the relations of the officials of the two companies are close?—A. Well, reasonably so; neighborly, at least. (Rept. Ind. Com. vol. 13, p. 340.)

I want to file here a bill of exceptions, taken in the superior court of Massachusetts, in the case of the Commonwealth against Abe Strauss, in which case the American and Continental Tobacco companies were being tried and fined for an illicit combination between the two, and where witness after witness, employees of this company, came on the stand and swore that they were one.

Mr. GAINES of Tennessee. When was that?

Mr. STANLEY. This is the case of Abe Strauss, decided the other day in Massachusetts, where he was fined for the very devilment that this man Duke swore he did not know anything about.

Mr. KELIHER. Was not that in a Massachusetts court, and under a Massachusetts law?

Mr. STANLEY. Yes. Thank God for one good act Massachusetts did, even if she never does another. [Laughter.]

In this very trial to which I have referred one Charles R. Seaward was called as a witness for the defendant, and here is his idea of the relation existing between the American and Continental companies:

Q. (By Mr. French) Your name?—A. Charles R. Seaward.

Q. You live here?—A. Wellesley Hill.

Q. What is your occupation?—A. Salesman.

Q. In January or February of last year, what concern were you salesman for?—A. I was with L. D. Mayhew.

Q. In whose employ were you?—A. Mr. Mayhew's employ.

Q. Anybody's else?—A. Well, I was selling the product of the American Tobacco Company, or Continental Tobacco Company.

Here is another significant bit of evidence from the mouth of the same witness:

Q. What were your duties in January and February of last year?—A. Salesman.

Q. Calling on the trade?—A. Yes, sir.

Q. For what purpose?—A. To sell them tobacco.

Q. Sell whose goods?—A. American Tobacco Company's goods.

Q. Any other company?—A. Continental Tobacco Company.

(See testimony of Charles R. Seaward, defendant's bill of exceptions. Commonwealth v. Abe Strauss, pp. 19 and 20.)

Mr. Chairman, I have further asked that this House be informed as to whether or not the American Tobacco Company, the Continental Tobacco Company, or the Imperial Tobacco Company, or any one or more of said companies in combination or singly have contrary to the law of the United States in such cases made and provided, interfered with or injured, or have attempted to interfere with or injure or destroy the business of competing manufacturers of tobacco, by infringement of trademarks or patents, or by surreptitiously adulterating or securing the adulteration of the brands or output of competing companies.

I am prepared here and now to answer that query put to the Department and to the President. I have before me proof which has convinced more than one court of their deep guilt.

I charge that these companies have driven from the market honest competitors by the score by means of a despicable and secret method of commercial assassination known as a boycott.

When the tobacco trust secured control of ninety-five per cent of the plants engaged in the manufacture of tobacco, it purchased more than the materials and the plant—they demanded the good will, and enforced that demand, in other words, they bought "the brands," and well it knew the value of the brand.

Before the accused advent of this trust, these brands of tobacco were all established after years of honest labor, the result of skill and experience on the part of the manufacturers, and at an infinite expense in advertising.

Mr. Hugh Campbell, of Richmond, Va., who is now making a noble fight for his life against this greedy combine, in his testimony before the Industrial Commission, speaking of the value of a brand of tobacco, says:

VALUE OF REPUTATION POSSESSED BY POPULAR BRANDS OF TOBACCO.

Q. You have spoken of the fact that these contracts were made with reference to brands. Are the brands themselves in the tobacco business of large value? Does the brand get an established reputation and help the sale materially?—A. It does, unquestionably. When a brand becomes known and the consumer becomes acquainted with it, he calls upon his dealer for it, and the dealer is very anxious to get it. The better the consumer knows the brand, if he likes it, the more he wants it, and the more valuable it becomes, because the more readily it is sold.

Q. So you consider the brand itself a valuable asset?—A. Unquestionably. (Rept. Ind. Com., vol. 13, p. 307.)

James B. Duke not only corroborates this statement, but he gives the reasons why. I quote his own words before the Industrial Commission:

You find it necessary, in order to meet competition in certain localities, to cut prices temporarily to push a brand?—A. No; because really each brand stands upon its own bottom. It is not sold as tobacco; it is sold as a brand. The consumer goes into the market and asks for a 10-cent piece of Star. He does not ask for tobacco, and, of course, it is not necessary for us to meet the competition. Some other fellow may go and sell the same class of tobacco for 10 cents a pound less, and the consumer would not be induced to change, because he knows no difference, and he does not care so much about the price. He wants what he has been in the habit of getting. (Rept. Ind. Com., Vol. 13, p. 319.)

And for once Duke is correct. People do not buy tobacco as they do calico or wheat; they do not call for 10 cents worth of tobacco or 5 cents worth of cigarettes, they call for "Battle Ax" or "Star," or a "Cremona" cigar or "Sweet Caporal" cigarettes. A man always buys tobacco by the brand. If he can not get his brand, it is a matter of taste—he will go somewhere else.

A man will spend his money for tobacco when he will not for bread or anything else in the world. He will feed his nerves and starve his vitals, but it is always some favorite plug, some particular cigar, that he must have, and usually without especial regard to the price.

Now, this trust is to-day the absolute and sole owner of more than 90 per cent of all the established brands of smoking and plug tobacco. Says Mr. Duke:

Q. About how many brands of cigarettes do you have?—A. That would be entirely a guess; 100, probably.

Q. And can you give an estimate as to the number of brands of plug tobacco that the Continental has?—A. I should think we would have 50 or 75 probably. That is all, I guess. I could not be positive about that. (Rept. Ind. Com., Vol. 13, p. 318.)

It is absolutely necessary to the very life of the jobber and retailer that he should have these well known and long-established brands in stock. If for any reason the dealer fails to secure the brands of the trust, while his competitor is offering them for sale, his business is destroyed.

Says Mr. Campbell, in discussing this matter before the Industrial Commission:

THE AGREEMENT BETWEEN THE CONTINENTAL TOBACCO COMPANY AND ITS JOBBERS.

Q. Your information is directly from jobbers who have themselves made these contracts?—A. Who have themselves agreed to these propositions. In many cases jobbers who have refused to handle our goods and who are still refusing to handle them, have told me that they would be glad to handle them, but they couldn't; they dared not. I went into Fall River last October and found from our salesmen there that the three jobbers who were handling our goods there at that time were about to throw them out. I went around to see them. They all told me they had to do it; they could not live without Continental goods, and that, although they were doing very well with ours, still they would have to put them out, because our goods and independent goods were only a small proportion of the business they did, and they were afraid to do anything else. (Report Ind. Com., vol. 13, p. 311.)

Now, I charge that this lawless combine is to-day holding the sword of Damocles over the head of every dealer in smoking and plug tobacco in the United States. And unless these helpless victims of criminal and heartless rapacity are not immediately protected by the law the last struggling independent wholesaler and retailer alike will be driven from the field.

The jobber—that is, the middleman who buys from the manufacturer in wholesale lots and distributes to the retail dealer—must sell his purchase for at least 2 per cent more than the cost price in order to make a living profit.

Now, I charge that the tobacco trust, in selling to jobbers, has made it a condition precedent that these persons who handle their goods shall not offer for sale the product of any independent dealer. In this way it has determined to both crush all present competition and to prevent forever the introduction of any new brands.

The subservience of the jobber has been secured in two ways:

First. By offering special inducements and secret rebates to those dealers who handle trust goods exclusively.

Second. By peremptorily forbidding the jobber to offer for sale tobacco of any kind not manufactured or controlled by the combine.

I am well aware that the president of the American and Continental companies has solemnly sworn that he would never—no, never—think of doing such a thing, or of permitting it to be done. I again quote his testimony before the Industrial Commission:

Q. And do you give special advantages if they handle only your brands?—A. No.

Q. Has that at any time been the policy of the American Tobacco Company?—A. No.

Q. Has the American Tobacco Company had any lawsuits in New Jersey or elsewhere concerning that practice?—A. Yes; the other companies claimed that we were excluding them; but people would not buy their goods because they made a good profit on ours at that time.

Q. And complaints were made that you were giving special discounts in order to secure business?—A. That is their claim. It was not the fact, though.

Q. Do you recall the point of the New Jersey decisions?—A. No; I do not. We won the case. I do not know what the real decision was. I suppose you could get a copy of it.

Q. Did I understand you to say that at the present time in New England you had no contracts of that kind?—A. Yes.

Q. That covers oral contracts as well as written?—A. Yes.

Q. No understanding of that kind at all?—A. No.

Q. Have any of your agents or any officers that you know of offered special terms for using your goods exclusively?—A. No; not with our authority.

Q. Do you think it has been done by any of your agents?—A. I do not think so; no. We state on the bottom of all our price lists and circulars that no agent has any right to change any conditions on our price lists and circulars.

Q. And you have uniformly, in New England, lived up to those conditions printed in your price lists and circulars?—A. So far as I know; yes.

Q. Can you furnish the commission a copy of your price lists and circulars?—A. I suppose that could be done. They are issued every month.

Q. Can you furnish those for the last 2 or 3 months, giving the general terms?—A. I guess so. I have no objections unless some one has who has general charge of it. They are open to the public; they are issued to everybody. There is nothing secret about them. (Rept. Ind. Com., vol. 13, p. 321.)

On the same day Mr. Hugh Campbell, before the same commission, contradicted point blank every statement of Mr. Duke, and more, he gives in detail a secret and execrable condition forced upon the jobber, upon pain of certain ruin, a compact whose purpose and effect was to destroy the business and confiscate the property of competitors everywhere. This infamous secret, oft and earnestly denied boycott, is unlike highway robbery only as a sneak thief differs from a bandit. Here is what Mr. Campbell has to say of this effort to drive him and his company out of New England:

RESTRICTIONS PLACED UPON THE TOBACCO TRADE BY THE CONTINENTAL TOBACCO COMPANY.

Q. You spoke of doing business in New England and throughout the United States so far as you are allowed. What do you mean by "so far as you are allowed"?—A. I mean that a year ago the Continental Tobacco Company, manufacturing, owning, and controlling the brands of between 80 and 90 per cent of the tobacco sold in New England, went to the jobbers, through whom only it is possible to do a profitable

and living business, and made this proposition: "Hereafter we will give you an extra discount of 3 per cent, provided you do not handle the brands of certain other companies—new companies just starting, one of which is the United States Tobacco Company." At the same time the jobbers were getting 2 cents a pound on the tobacco sold to the retailers. So that proposition gave to the jobber 2 cents a pound plus 3 per cent. That made quite a difference to us and to other independent companies—made it practically impossible to do business in New England. There are many small retailers who can only buy in very small quantities, and the manufacturer can not deliver to the small retailers. For instance, a newspaper stand carries a few brands of tobacco, and, since the manufacturer can not deliver to him, he must employ the jobber. There are several different brands of different manufacturers which the retailer can buy from the jobber, but, if he were to purchase directly from the manufacturer, he would probably want only one of the manufacturer's brands, and the cost of delivery would be too much. So by this action they shut off the channels through which the manufacturer reached the retailer, and through the retailer the consumer.

Q. They offered this extra 3 per cent discount provided the jobbers would handle no brands but their own?—A. At that time the restriction did not go so far, but simply prohibited their handling the brands manufactured by four new companies, of which ours was one. Later, on the 1st of January this year, that proposition was changed. They found that some jobbers were willing to do business for the 2 cents per pound and lose the 3 per cent. A jobber might be able to make a living, do business, and cover his expenses at a profit of 2 cents a pound. Some few did continue to sell outside goods. On the 1st of January, or about that time, the proposition was changed, and instead of giving 2 cents a pound the manufacturers gave 1 cent a pound, and if the jobbers refused to handle independent goods they got 5½ per cent extra discount. No jobber can do business on 1 cent a pound.

Between May, 1900, and this time here and there throughout New England, a few jobbers have been cut off from getting the trust's brands altogether by reason of their independence. The trust refused to sell them goods, not because there was a question of credit at all, but simply and only because they persisted in handling independent goods. That has had a deterring effect on others, of course. They have been held up as a warning to all who might be inclined to go and do likewise; and to-day, and for the last twelve months, there has been a "reign of terror" in New England. Dealers are afraid to sell, as they would like to do, goods that they have bought and paid for. (Rept. Ind. Com., vol. 13, p. 306.)

It may be said that this is a question of veracity "between two distinguished gentlemen," and so far it is. Fortunately for Mr. Campbell and the country, this very question has been tried before a court of justice, and I will let the records speak for themselves. On the 1st of June, 1904, the grand jury of Plymouth County, Mass., indicted Mr. Abe Strauss, the duly authorized agent of this trust, for making the exact contract described by Mr. Campbell, and of course Mr. Strauss and his master pleaded not guilty. The jury thought otherwise. The trust appeared, and I have here a copy of the bill of exceptions prepared by the defendant.

Here is what the witnesses had to say in discussing this charge which Mr. Duke denied with such a show of righteous indignation:

Frank J. Dutra, a tobacco dealer of Brockton, Mass., being asked about this boycotting of independent dealers, said (read from the record):

COMMONWEALTH OF MASSACHUSETTS.

Supreme court. Plymouth, ss. June sitting.

COMMONWEALTH (by indictment) v. ABE STRAUSS.

[Defendant's bill of exceptions. Extracts from defendant's bill of exceptions. Frank J. Dutra. Page 3.]

Q. Give, as nearly as you can remember, the substance of the conversation.—A. He told me they were going to have a new deal in this way, that there would be a 2 per cent—if we would deal in his goods exclusively and throw out the independent goods we should go 2 and 2 and a rebate of 6 per cent later.

Q. You say "2 and 2 and a rebate of 6 per cent;" that makes an entire discount of 10 per cent.—A. Yes, sir.

Q. What was the first 2 per cent for? What discount was that?—A. I don't know. They took that off themselves on the bill. When we paid the bill in ten days we took 2 per cent off that.

Q. The first discount was what is called "trade discount;" that was taken off the bill before it was rendered?—A. Yes, sir.

Q. Two per cent off the list price; that is their list price, I suppose, was it?—A. Well, if there was a bill for \$100, they would take 2 per cent right off and make the bill \$98; if I paid the bill in ten days I took 2 per cent off that.

Q. How many was this—on what condition was the 6 per cent—Mr. Bixby. What was said?

Q. What was said about 6 per cent?—A. If I would stop handling union goods we would get 6 per cent; if not, all we got was 2 and 2; that is the way I understand it.

Q. What do you mean by "independent tobacco"?—A. Well, it is made by the union factories; goods that are made by the independent or union factories. He saw the tobacco on the floor and asked me where I got it. I told him I bought it and paid for it, and he asked me if it was not understood that I shouldn't buy any more goods that way. I told him that I never made any agreement with him to that effect; I listened to his story before, and I told him that I couldn't pick up that brand around there, as there was no one handled it but me; that he didn't job it at all; I wanted it for retail trade.

Q. Give us briefly what was the burden of his conversation in that connection.—A. I couldn't tell you anything more than when he went away he wanted to know what I was going to do. I told him I would think it over, so he went away, and I think it was the following Monday that I wrote to him and told him I was going to handle independent goods because customers called for them, and if they saw fit to drop me they could do so. I was dropped.

Q. And you would send your check to whom?—A. To the Continental Tobacco Company, 111 Fifth avenue, New York.

Richard J. Casey, a tobacconist of Bridgeport, Mass., being examined to the same purpose, said:

Q. Well, then, I will ask you if this was it: "He said he had a new proposition which would give us 2, 2, and 6 per cent. Two per cent in trade discount, 2 per cent in cash discount, and 6 per cent was for handling their goods exclusively."—A. Yes, sir.

Q. That was the proposition, was it?—A. Yes, sir.

Q. Did you say anything to him with reference to it?—A. Yes, sir.

Q. Did you accept the proposition?—A. Yes, sir.

Q. Up to that time had you been dealing in the plug tobacco of the so-called independent concerns?—A. Yes, sir.

Q. And in consequence of the acceptance of that proposition did you cease to deal in their tobacco?—A. Yes, sir.

In this celebrated trial we see a startling and pathetic picture of the result of this diabolical scheme. I shall let the witnesses speak for themselves.

Mr. Edwin U. Harrington, an independent dealer, swears as follows:

Q. (By Mr. French.) What is your name?—A. Edwin U. Harrington.

Q. Where do you live?—A. Cambridge.

Q. How long have you lived there?—A. Not quite a year.

Q. What is your business?—A. New England agent for Larus & Brother Company, factory at Richmond.

Q. Manufacturers of what?—A. Of plug and smoking tobacco.

Q. Is your company connected with the Continental Tobacco Company?—A. No, sir.

Q. Is it one of the so-called independent manufacturers?—A. Yes, sir.

Q. How long have you personally been in the tobacco business in New England?—A. About twenty-one years; a little over twenty years.

Q. Will you state in what capacity—in connection with what concern?—A. Fifteen years I was salesman for John Findland Brothers; was with them until their absorption by the Continental Tobacco Company.

Q. Was your attention called to the proposition of the Continental Tobacco Company to their customers, that they would give them 2 per cent trade discount, 2 per cent cash, and 6 per cent if they would agree not to deal in goods of other concerns?—A. Yes, sir.

Q. What effect did that have on the independent business?—A. Well, practically every jobber stopped purchasing the goods of the independent factories.

Q. In Massachusetts?—A. Practically.

Q. How many jobbers were there in Massachusetts then?—A. About two hundred and ten.

Q. How many of them stopped buying independent goods when that proposition was made?—A. Well, all but two or three.

Here is a note or two from the death song of another victim, a once prosperous merchant, whose epitaph appears in this record:

Q. (By Mr. French.) Your name?—A. Nathan F. Ives.

Q. Where do you live?—A. In North Weymouth.

Q. What is your business?—A. I am manager for the United States Tobacco Company.

Q. Is that one of the so-called independent concerns?—A. It is.

Q. How long have you been in the tobacco business?—A. Over twenty years.

Q. How long have you been familiar with the market for plug tobacco in Massachusetts and in Plymouth County?—A. During the time I have been in the tobacco business.

Q. Twenty years?—A. Yes, sir.

Q. Were you familiar with the conditions of that trade prior to January 1, last year?—A. Yes, sir.

Q. Do you know how many jobbers there were in Massachusetts at that time?—A. About 210.

Q. Was your attention called to the proposition which was made by the salesmen of the Continental Tobacco Company in January, 1904, with reference to the sale of tobacco to jobbers?—A. It was.

Q. Plug tobacco, I mean?—A. It was.

Q. Did you observe the effect upon the trade which that proposition had?—A. I did.

Q. What was it?—A. We lost all the jobbers; practically all of them.

Q. That is, the independent companies practically lost all the jobbers?—A. Yes, sir.

A few days ago the Supreme Court of Massachusetts sustained the finding of the lower court, and Mr. Strauss and his master will be compelled to pay the penalty for this ruthless destruction of the business of 200 firms whose only offense was that they dared to transact a legitimate business in a free country without wearing the collar of the trust.

I will here file the affidavits of reputable merchants to the same effect, and more, I have before me the circular letters issued by this piratical monopoly in which they demand their "pound of flesh." These same papers were produced before the Industrial Commission on the very day Mr. Duke denied that such documents were ever issued. Here are the affidavits and circular letters:

AFFIDAVIT OF MR. HARRY M. CHAPMAN, OF NEW BEDFORD, MASS.

I, Harry M. Chapman, of New Bedford, in the county of Bristol and Commonwealth of Massachusetts, being duly sworn, depose and say that I am a member of the firm of E. T. Chapman & Co., said firm doing a business of wholesalers and jobbers in tobacco in New Bedford, and having been engaged in said business during the last thirty years in said New Bedford. That since the formation of the Continental Tobacco Company of New Jersey, and prior to that time, our firm has dealt extensively in the brands of plug tobacco acquired by said corporation and now owned by it. That 90 per cent of our business in plug tobacco during the years 1898, 1899, and 1900 was in the goods owned and controlled by said Continental Tobacco Company. That in April, 1900, Charles Keene, transportation agent of said Continental Tobacco Company, and one Strauss, the regular salesman for said Continental Tobacco Company for this district, called at our place of business and informed us that thereafter there would be a fixed price at which the wholesalers and tobacco jobbers should sell the goods of the Continental

Tobacco Company to the retail trade. The jobbers, however, were to be allowed to purchase these goods at 2 cents a pound less than the fixed price. If, however, we agreed to exclude from our stock, and refused to sell or handle any goods made by any manufacturer other than the Continental Tobacco Company, we were to be allowed a discount of 5 per cent. Our firm asked time to consider this proposition. We subsequently learned that the offer made by these agents to us was somewhat different from the offer made to other wholesalers in our district. Our firm, not being an agent in any way of said Continental Tobacco Company, declined to be dictated to as to what goods we should sell. About three weeks later Mr. L. D. Mayhew, the New England manager of said Continental Tobacco Company, together with said Strauss, again called at our place of business, and, upon observing that we were continuing to carry in stock goods of other manufacturers, informed us that we were thereupon cut off from any more purchases of the goods of said Continental Tobacco Company. That subsequently to this we sent to said Continental Tobacco Company an order for goods, which order was not filled. That later we sent an order by registered mail, and accompanied the order with a letter requesting the reasons why said Continental Tobacco Company had declined or neglected to fill our orders. In response to this letter we received a letter of the Continental Tobacco Company from their headquarters in New York, signed by W. H. McAllister, secretary, in which they informed us, in reply to our letter to them, that they had concluded that it was not to their interest to maintain business relations with us, and that they had decided to cease such relations. We were informed that we might be supplied with their products by application to jobbers in our section, but upon application to said jobbers, we found that said goods were refused to us.

And your deponent says that from his own knowledge the other jobbers and wholesalers of tobacco in this city, who are now purchasing and having for sale the goods of the Continental Tobacco Company, do not now keep and expose for sale the goods of other new tobacco manufacturers discriminated against by said Continental Tobacco Company, although prior to the inauguration of said policy of said Continental Tobacco Company said wholesalers and jobbers did keep and expose for sale said brands.

And your deponent is informed that said Continental Tobacco Company claims that all jobbers and wholesalers may purchase their products, irrespective of whose goods they handle, at a price 1 cent a pound below the price fixed for the retailers, and your deponent says that such a price is a prohibitive price and does not enable the wholesaler or jobber in tobacco to handle said goods at a profit, but would compel a loss to said wholesaler or jobber.

HARRY M. CHAPMAN.

COMMONWEALTH OF MASSACHUSETTS,
New Bedford, April 16, 1901.

BRISTOL, 88:

Then personally appeared the above-named Harry M. Chapman, to me personally known, and subscribed and made oath to the above affidavit. Before me,
[SEAL.] A. EDWIN CLAKE, Justice of the Peace.

AFFIDAVIT OF MR. ALBIN SUMNER HOVEY, OF LYNN, MASS.

I, Albin Sumner Hovey, of Lynn, in the county of Essex and Commonwealth of Massachusetts, being duly sworn, depose and say that I am engaged in the tobacco business in Lynn, and have been for nine years; that prior to January, 1901, I had been purchasing of the Continental Tobacco Company certain of its plug tobacco goods; that some time in January, 1901, one Edward M. Langley, the representative and salesman of the Continental Tobacco Company for my city, called upon me at my store and asked me if I was going to fall into line. I replied, "What line?" He said, "The same as the rest of the jobbers and subjobbers." I asked him what that was, and he said, "To sell whatever we say." I said, "who are we?" He replied, "The Continental Tobacco Company." I said, "What do you want me to do?" He said, "Would you throw out Butler's, 'B. and W.' and 'Sensible' brands of tobacco?" I said, "No, sir; I have too good a sale on them." He called my attention to the fact that "Sensible" tobacco (made by persons other than the Continental Tobacco Company) was displayed on my shelf. I replied that it was my tobacco, which I had paid for; that some people might keep their tobacco under their counters, but I saw no reason why I shouldn't display it. As he went away from the store I said, "Don't do anything to be sorry for;" and he replied that he shouldn't do anything until I heard from him again. Within a few days after that I received a letter from L. D. Mayhew, departmental manager of the Continental Tobacco Company for New England, informing me that I had been cut off as a subjobber by the Continental Tobacco Company. I afterwards called upon Mr. Manning, of the firm of McGreaney Bros. & Manning, the largest distributors of tobacco goods in New England, and of whom I had been purchasing tobacco, and asked him if I had got to pay the advanced price for the Continental Tobacco Company's goods which I purchased of him. He said he was sorry, but he didn't dare to do any different than to charge me that price. This was a price at which I could not sell the goods to retailers at a profit. I had previously been regarded by the Continental Tobacco Company as a jobber, and later as a subjobber. The only reason within my knowledge why I was cut off was because I declined to throw out of my stock certain goods of independent manufacturers.

ALBIN S. HOVEY.

COMMONWEALTH OF MASSACHUSETTS,
Boston, April 16, 1901.

SUFFOLK, 88:

Then personally appeared the above-named Albin Sumner Hovey, to me personally known, and made oath and subscribed to the above affidavit. Before me,
[SEAL.] PAUL R. BLACKMUR, Notary Public.

AFFIDAVIT OF MR. CHARLES H. TILTON, OF BOSTON, MASS.

I, Charles H. Tilton, of Boston, in the county of Suffolk and Commonwealth of Massachusetts, being duly sworn, depose and say that I am a member of the firm of Stephen Tilton & Co., of Boston, established in 1836, which firm is engaged in selling plug tobacco throughout New England to the tobacco jobbers and others, and represents as selling agents three independent manufacturers of plug tobacco, viz, the United States Tobacco Company, Butler & Bosher, and W. J. Yarrowborough, all of Richmond, Va.

And your deponent says that the Continental Tobacco Company, a

corporation established under the laws of New Jersey, was formed in December, 1898, having purchased the factories owning and making substantially all the leading brands of plug tobacco sold and used in the market of New England; that said Continental Tobacco Company now supplies to the plug tobacco trade of New England 85 or 90 per cent of all the plug tobacco sold and consumed within said district.

And your deponent says that prior to April, 1900, there was open and free competition in New England in the sale to all jobbers of plug tobacco; that neither said Continental Tobacco Company nor any other manufacturer discriminated against the purchasers or jobbers of tobacco goods who carried or had for sale the goods of other manufacturers, and that said Continental Tobacco Company sold its goods to said jobbers, who paid for the same at substantially the same rates or prices.

And your deponent says that during the month of April, 1900, certain officers of the Continental Tobacco Company, viz, H. D. Kingsbury, treasurer, and C. C. Dula, third vice-president, empowered to act for said corporation in pursuance of an agreement and understanding entered into with one F. C. Bushnell, president, and representing an association of wholesale grocers known as the New England Grocers Association, visited the tobacco jobbers and wholesale grocers of New England, and notified them that thereafter the jobbers could purchase the goods of the Continental Tobacco Company at a price upon which said tobacco jobbers and wholesale grocers could make 2 cents per pound, but that if said jobbers and grocers would agree to exclude from their stock, and refuse to handle, all plug tobacco goods of tobacco manufacturers established and beginning business since the formation of said Continental Tobacco Company, and all new brands of any manufacturer, they would give to said tobacco jobbers and wholesale grocers an extra discount of 3 per cent upon all bills of purchases made by said jobbers or grocers of the goods of said Continental Tobacco Company.

And your deponent says that the profit of 2 cents a pound on said tobacco to said tobacco jobbers and wholesale grocers was hardly adequate to enable said trade to do business at a profit.

And your deponent says that said agreement entered into between said Bushnell and said Continental Tobacco Company was an agreement to prevent the introduction of new brands of plug tobacco and to exclude certain old brands, and was in effect an agreement to restrain trade and commerce in said tobacco in the market of New England and designed to create a monopoly in the Continental Tobacco Company of the plug tobacco business in New England.

And your deponent says that said arrangement of prices inaugurated by the Continental Tobacco Company went into effect May 1, 1900; that subsequently said Continental Tobacco Company, through its officers and agents, again visited said tobacco jobbers and wholesale grocers of New England, and changed the price at which the goods of the Continental Tobacco Company could be purchased, so that said jobbers and grocers could get but 1 cent per pound profit instead of 2 cents as heretofore, but to said tobacco jobbers and wholesale grocers who agreed to exclude from their stock all plug tobacco goods of new factories as well as all new brands of old factories, together with all goods of certain designated old-established factories, an extra discount of 5½ per cent would be given; that the 5½ per cent discount was a large and material discount in the handling of said tobacco; that said 1 cent a pound without the discount was a price at which it was impossible for the tobacco jobber or wholesale grocer to do business at a profit in said goods, and was in effect a refusal to sell to the trade or jobbers the goods of said Continental Tobacco Company, or to sell them only at a prohibitive price; that further, in order to close up all the channels of distribution for the goods of all said independent manufacturers, said agents and officers of said Continental Tobacco Company visited the largest retail dealers of tobacco in New England, and notified them that if they would exclude from their stock the goods of all new tobacco concerns, and further refuse to handle any new brands of the old tobacco concerns, said retailers' names would be placed upon a list known as the "Subjobbers list," which would entitle said retailers to buy from the jobbers at a less price than their competitors by 2 cents a pound, provided, however, that they complied with the request to exclude the tobacco goods of other designated manufacturers; that said Continental Tobacco Company did not deal or bill any goods directly to said retailers, but notified the jobbers to give to the retailers the discriminating rates on their purchases as aforesaid.

And your deponent says that all these arrangements, agreements, or prices have been put into effect by the agents and officers of said Continental Tobacco Company. And your deponent says that many of his former customers have ceased to purchase the goods of your deponent, and give as a reason that they do not dare to purchase the tobacco goods of your deponent for fear that they will be cut off from the old-established brands and goods controlled by said Continental Tobacco Company, the sale of which goods forms 85 to 90 per cent of their business. And your deponent, from his experience of 32 years in the tobacco business in New England, is of the opinion and believes that this action on the part of the Continental Tobacco Company, if allowed to prevail, will create a monopoly in said Continental Tobacco Company of the plug tobacco business; that the shutting off through all the channels of trade to the consumer of the product of new manufacturers, and also, of the new brands of old manufacturers, will bring about that end; that it is essential to the life of every manufacturer of plug tobacco, whether the business is long established or not, to from time to time bring out new brands, and that if they have not that opportunity, the business is certain to die of dry rot; that the action of the Continental Tobacco Company heretofore set forth and complained of has and will greatly damage the business of your deponent.

CHAS. H. TILTON.

COMMONWEALTH OF MASSACHUSETTS,
Boston, April 26, 1901.

SUFFOLK, ss:

Then personally appeared Charles H. Tilton, to me personally known, and subscribed and made oath to the above affidavit.

Before me,
[SEAL.]

PAUL R. BLACKMUR,
Notary Public.

CIRCULAR LETTERS ISSUED BY THE CONTINENTAL TOBACCO COMPANY
RELATIVE TO ITS TERMS TO JOBBERS.

Q. (By Mr. JENKS.) Have you any direct information regarding any circular letter from the Continental Tobacco Company to the same effect?—A. I have here two circulars.

Q. Was this circular issued by the company, or is this a copy of

one so issued?—A. This is a copy of a circular issued by the Continental Tobacco Company.

Q. Have you seen the circular itself?—A. I have seen the original.

Q. And you know this is an exact copy of the original?—A. Yes.

Q. This circular letter was sent to a specific individual or firm?—A. To a dealer in tobacco in Massachusetts. At his request his name is not given. He claimed that he would be cut off from buying their goods if his name were known.

Q. You yourself saw the original on which the name appeared?—A. Yes.

Q. (By Mr. LITCHMAN.) And you know this to be an exact copy of the document he received?—A. I do. (Reading:)

"DEAR SIR: Our offer heretofore made you to pay you 5½ per cent on purchases from us under certain conditions named at the time such offer was made is hereby withdrawn, and in lieu thereof we make you the following proposition:

"If, during the four months beginning May 1, 1901, and ending August 31, 1901 (unless we sooner withdraw this offer, as stated below), your direct purchases from us for distribution to your regular trade aggregate not less than —, we will pay you 5½ per cent extra on the entire amount of such purchases.

"If your business during that period does not aggregate as much as the sum stipulated above, or if you combine with any person, firm, or company to make joint purchases, you will not be entitled to this 5½ per cent on any of your purchases during said period.

"We reserve the right to discontinue this plan and withdraw this offer at any time, though if we do withdraw it before the expiration of the period named above, we will pay you 5½ per cent extra on the entire amount of your direct purchases from us for distribution to your regular trade between May 1, 1901, and the date of such withdrawal.

"We will withdraw this offer from any customer in Massachusetts who sells or offers to sell our goods, directly or indirectly, in the States of Maine, New Hampshire, Vermont, Rhode Island, and Connecticut at less than jobbers' selling price list, effective in those States.

"No employee of this company has any authority whatever to change or modify, in any respect, or to any extent, this letter, or any other letter, circular, price list, or offer of this company.

"Yours, very truly,

"(Signed) "CONTINENTAL TOBACCO CO.,
C. C. DULA,
"Third Vice-President."

Q. (By Mr. JENKS.) This circular letter does not put in that other condition with reference to selling exclusively the goods of the Continental Tobacco Company?—A. I do not think you will find that in print.

Q. I was going to ask you whether the person from whom you received this letter said that the conditions referred to in it were those conditions? In this circular it says this: "Our offer heretofore made you to pay you 5½ per cent on purchases from us under certain conditions named at the time such offer was made * * *." Did the person to whom this letter was written state that the conditions referred to here were to the effect that they should deal exclusively in the goods of the Continental Tobacco Company?—A. That was his statement, and not only his statement, but the universal statement of all dealers.

Q. (By Mr. LITCHMAN.) Do I understand this circular letter was sent out, and that aside from this there was an oral agreement with the dealers?—A. Yes.

Q. And you find that so far as your investigation goes in every case where you have learned of these instances?—A. In every case. This circular accompanied the other one. (Reading:)

"To our customers in Massachusetts:

"Referring to our circular, under date of August 6, 1900, addressed to our customers in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, we quote from said circular as follows:

"We shall decline to fill orders from any customer in the above-named States who sells, or offers to sell, either directly or indirectly, any of the listed brands of tobacco manufactured by this company at less than the prices appearing in the jobbers' selling price list; this price list applies to sales made by you either to jobbers or retailers."

"We now wish to advise that this circular is hereby abrogated so far as it applies to sales made by our customers to merchants located in the State of Massachusetts, but it will remain effective and continue to apply on sales made by our customers to merchants located in the States of Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

"No employee of this company has any authority whatever to change or modify in any respect, or to any extent, this circular, or any circular, letter, price list, or offer of this company.

"Very truly, yours,

"CONTINENTAL TOBACCO CO."

I charge that this trust has not only offered secret rebates and inducements to these dealers handling their goods exclusively, but that they have refused to fill orders at any price to jobbers, or to independent dealers, whose destruction it had decreed, or whose property it coveted, and this charge has been more than established in the celebrated suit of E. Locker & Co. against the Metropolitan Tobacco Company, filed in Brooklyn in September, 1905, for \$50,000, caused by the destruction of the once great and prosperous business of this company.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. LONGWORTH. Has the gentleman information as to how many of the cigar factories in Habana are under their control or affiliated with them?

Mr. STANLEY. Yes; practically all of them. All of the Garcias are under their control. The Henry Clay cigar is under their control, and in response to the gentleman's question, to show the power of benevolent assimilation, I have shown that these thieves, after they formed the American Cigar Company, with a capitalization of \$10,000,000 absorbed the great work of Garcia & Co. with ten associated companies, which was capitalized at \$20,000,000, and swallowed it without making a face. I wish to file here the most pathetic appeal that was ever made to the public by A. Locker & Co. These are the plaintiffs in the celebrated suit of Locker against the American

Tobacco Company. It is a circular letter to the trade in which they swear to the wrongs that were done them, and in which they point out the fact that with their millions and with their well-established reputation it is utterly impossible to secure any of the well-known brands of the American Tobacco Company unless they will cut the throat of every independent dealer.

IMPORTANT TO THE ENTIRE TOBACCO TRADE.

BOROUGH OF BROOKLYN, NEW YORK CITY, 1904.

We have recently begun a suit in the New York supreme court against the American Tobacco Company and the Metropolitan Tobacco Company, representing the tobacco trust.

This suit we have undertaken in order to protect ourselves against what we regard as an unlawful combination in restraint of trade whereby the free pursuit of our lawful business in this State is restricted, and, in view of many references made to our litigation in the public journals, we have decided to make the following statement concerning it to the trade:

In the year 1862, long prior to the organization of the tobacco trust, our predecessor in business, the late Henry Berbert, and his associates founded and built up our tobacco house in this place, where for more than forty years it has continued to do an extensive and prosperous business. By a large investment of capital, by strict integrity, and by unremitting effort this business has earned and established a valuable good will and reputation throughout the Greater New York and elsewhere, and has become generally known throughout the country to be, as it is, the largest tobacco establishment in the United States doing business both at wholesale and retail.

About 1890 the American Tobacco Company was incorporated, and as it gradually absorbed many of the tobacco-manufacturing houses with whom our establishment had previously done business it solicited us to give to it our patronage, and through its representatives constantly urged us to deal with it, and assured our predecessors and ourselves that at all times our orders should receive the promptest attention on the most favorable ruling terms. Relying upon its solicitations, representations, and constant assurances of fair dealing at all times, we continued to have large transactions with the American Tobacco Company and to be active in the introduction of its products to our customers until about the year 1899, when the Metropolitan Tobacco Company was formed. Then the American Tobacco Company, having quietly secured and put out of business all the concerns of which we could buy the merchandise which had thus by its act become indispensable to our business, notified us, in substance, that under arrangements made with the Metropolitan Tobacco Company the tobacco trade in the Greater New York, including ourselves, would thereafter be supplied with its goods only through the Metropolitan Tobacco Company as its representative and distributor, and that thereafter it would not fill any further orders in the Greater New York, except those which came through the Metropolitan Tobacco Company.

The Metropolitan Tobacco Company, and likewise the American Tobacco Company itself, then urgently solicited and urged our business house to continue to it the dealings which for so many years we had had directly with the American Tobacco Company, and with other companies which had meanwhile become absorbed in it. Through its representatives it renewed to us the assurances which we had formerly received from the American Tobacco Company that our orders should at all times receive prompt and favorable attention, and reaffirmed that every possible consideration should always be shown us. Special rewards were offered by the American Tobacco Company to our salesmen for persuading our house to purchase its merchandise and for identifying ourselves with the sale of the various tobacco products—cigarettes, etc.—marketed by it.

After the formation of the Metropolitan Tobacco Company, and the secret combination made between the American Tobacco Company and itself whereby the Metropolitan Tobacco Company became the sole distributing agent for the American Tobacco Company in the Greater New York, still the American Tobacco Company continued frequently to send to us, and to others similarly situated, its agents or salesmen to solicit the continuation of our orders to the Metropolitan Tobacco Company for the goods marketed by the American Tobacco Company, etc. In continued reliance upon the representations, promises, and course of business above outlined our house has in good faith for years largely devoted the facilities of its great establishment to the sale of the products of the American Tobacco Company. To such an extent has this been done that our customers have come to require, to a great degree, the various articles of merchandise dealt in by the American Tobacco Company and now controlled in this vicinity by the Metropolitan Tobacco Company.

Recently, and without any just cause or complaint of our course of business, and in defiance of our previous understanding and course of trade and of every principle of fair dealing, the Metropolitan Tobacco Company, as we believe, by the direction of the American Tobacco Company, has refused to fill any of our orders at any price for any of the merchandise marketed or controlled by the American Tobacco Company. This is the same merchandise with which for years past these two companies have so earnestly solicited us to identify ourselves, and which in reliance upon their assurances has been made important to our business, as shown above. Simultaneously with this refusal to fill our further orders the representatives of these companies have notified us, in substance, that our business was too prosperous, and that unless we would consent to sell out to them upon their own terms and would agree never again to go into the same business they would boycott us and prevent our purchasing anywhere the merchandise necessary for the conduct of our business and would drive us out of business. In partial execution of that threat they have, as above stated, refused to sell us any merchandise on any terms whatever; have, as we are informed, forbidden their customers to sell to us on penalty of ruining them also, and have discriminated against us in the trade. Their representatives have, as we are informed, circulated stories about us which are grossly untrue, have tried to influence our employees, and in a variety of ways appear to be attempting to make good their threats.

These circumstances and others, the public statement of which we are advised for the present to withhold, force us to believe that they are but steps in an unlawful scheme which if continued will presently stifle all competition, either in the wholesale or retail tobacco trade, will destroy every independent tobacco manufacturer and dealer in the country, and will flood the land with inferior products at excessive prices. We are also assured that many others throughout the country have suffered and will suffer like injustice at the hands of this gigantic monopoly.

We have, therefore, for our protection, begun this suit in the New York supreme court against the American Tobacco Company and the Metropolitan Tobacco Company, which, if necessary, we propose to take to the Supreme Court of the United States.

These corporations, although now controlling hundreds of millions of dollars capital and upward of 80 per cent of the entire tobacco output, are but artificial creations of the Government, which owe their very existence and right to do business wholly to franchises and privileges which the State has granted, and over which the Government, by proper procedure, can always exercise a very considerable control and restraint.

We do not believe that where the laws, both State and national, have so vigorously condemned monopolies and combinations in restraint of trade, the effect of which are to control prices to prevent competition, and to ruin legitimate business, even this great trust can in our case escape such a judicial condemnation as will forever afterwards protect us and others similarly situated, provided the case be properly presented to our highest courts.

We are convinced also that this litigation, and others like it, with the publicity, full discussion, and investigation which we ask all interested to give to it, and which the trust will doubtless do all in its power to prevent, may in the present excited condition of public opinion on the general subject eventually lead to such a modification of existing laws, both State and national, as hereafter will save others from the necessity of fighting for their lives, as we are now compelled to do.

We think it is clear that in a short time, unless the courts or the laws give some relief, the independent tobacco manufacturers will find themselves unable to market their product, because there will be no jobbers and no retail dealers left in the country, or in the great business centers like New York, who will handle their merchandise, for the American Tobacco Company and its associates in the tobacco trust will have driven them all out of business, or will control them absolutely.

We do not therefore regard this suit as our suit alone, but we are compelled to look at it as a struggle in which every independent tobacco manufacturer, jobber, or retailer, from the largest to the smallest, has a direct personal interest, and we invite the active cooperation and assistance and suggestions of all, because all are necessarily interested and must necessarily be affected by the result.

We do not forget, and we ask you to remember, that our adversaries have enormous resources of money and influence, and that to insure the complete success we aim at we greatly need the encouragement and the generous help, pecuniary and otherwise, of the whole body of independent manufacturers and dealers throughout the country, for such litigation as this is necessarily difficult and expensive. The valuable help we have already received from strong sources justifies us in believing that as soon as our action has become generally known we shall receive the cordial cooperation and the pecuniary support of the entire trade everywhere. We consider that the prominence given to the question of the trusts in the recent national election makes this a most opportune time to press this suit.

We invite correspondence, information, and suggestions as to the experience of others with the tobacco trust, whether the facts are believed to be available in our present trial or not. Much which seems now irrelevant may later become most important.

We have several other plans in contemplation, and also propose to undertake through the proper official channels a more effective form of investigation into the methods of the trust than has hitherto been attempted. We are resolved to leave no stone unturned and no legitimate avenue for relief untried.

It may not be generally known that besides the various United States statutes against restraint of trade an antitrust law was passed in the year 1901 by the State of Massachusetts, covering substantially many of the points which we raise in this suit. Under this law at last there appears to be in Massachusetts an effective method of fighting the great trusts. In Plymouth, Mass., during the month of October last, the first action brought under this law of 1901 was tried, and the superior court there has indicted and fined the Continental Tobacco Company for violating this law. By this decision every representative of every such corporation using rebates to secure a monopoly and to prevent fair competition becomes in the State of Massachusetts a criminal liable to criminal punishment. In some of the other States, as well as in Canada, effective laws to remedy this wrong have already been passed and others will follow as the people come to realize their rights.

Fortunately, in the State of New York a somewhat similar law was passed in the year 1899, condemning monopolies in the articles of common use. This law, which has been overlooked by many who are deeply interested, is chapter 690 of the Laws of 1899, and provides, among other things, as follows: "Every contract, agreement, arrangement, or combination whereby a monopoly in the manufacture, production, or sale in this State of any article or commodity of common use is, or may be created, established, or maintained, or whereby competition in this State in the supply or price of any such article or commodity is, or may be restrained or prevented, or whereby for the purpose of creating, establishing, or maintaining a monopoly within this State of the manufacture, production, or sale of any such article or commodity, the free pursuit in this State of any lawful business, trade, or occupation is or may be restrained or prevented, is hereby declared to be against public policy, illegal, and void." This law has already been approved by a decision of the New York court of appeals, and we trust that under it, and under the laws and statutes of the United States previously passed to prevent unlawful restraint of trade, we can secure such a decision as will be just and equitable, and will protect ourselves, and all others similarly situated, from future unlawful interference.

The principle involved in this controversy affects not only the Tobacco Trust, but every like combination and monopoly in this country.

For obvious reasons we do not here fully disclose our legal status and the entire basis of our claims for relief before the courts, but all persons interested in the question at issue and desiring further information concerning it, or wishing to cooperate with us in any way, are invited to address our counsel in the suit, Frederick P. Bellamy, esq., whose offices are at 204 Montague street, Borough of Brooklyn, City of New York.

Very truly, yours,

E. LOCKER & Co.,
Successor to H. Berbert.

Wholesale and retail tobacconists, 267-273 Bushwick avenue, Brooklyn, New York City. Telephone, 1398 Williamsburg. (Established, 1862.)

I blush to confess it, that in "this land of liberty," where the right to property is guaranteed and where the pickpocket

and petit thief are imprisoned and infamous, that an army of men, sober, honest, and industrious, have been literally driven to bankruptcy and ruin by the operation of this infamous boycott. I am indebted to Mr. Hugh Campbell, of Richmond, for the following "list of the slain." Men who a few years ago were happy, hopeful, and prosperous, whose occupation is gone and whose business is destroyed, their substance devoured by a loathsome and insatiate cormorant, they have been turned adrift "to hang, beg, or starve," for all their soulless despoilers care.

These people were of course permitted to continue in business upon the condition that they would take "the oath of allegiance."

The trust resembles those piratical crews who after robbing their captors give them the hard choice of "walking the plank" or joining the bandits in scouring the seas for other victims. Here is the list of those who have been forced to become either pirates or paupers.

List of jobbers who have either sold or have gone into the New Jersey Tobacco Company or the Tonn Tobacco Company:

Meyer Brothers, Montgomery avenue, Jersey City, N. J.; T. W. Decker, Central avenue, Jersey City, N. J.; J. G. Crawford's Son, Orange street, Newark, N. J.; J. Goehring, Newark, N. J.; J. P. Turbett, Ferry street, Newark, N. J.; P. Turbett, Madison street, Newark, N. J.; Diamond Brothers, Rutgers street, Newark, N. J.; Langstaff's Son, Burnett street, Newark, N. J.; J. R. Miller & Son, Austin street, Newark, N. J.; Patterson Brothers, Plainfield, N. J.; B. Feeney Tobacco Company, Paterson, N. J.; A. Meyer, Paterson, N. J.; Conover & Bernhardt, New Brunswick, N. J.; M. Pach & Son, Red Bank, N. J.; J. Bailey, Red Bank, N. J.; Barringer, Asbury Park, N. J.

Those forming the Delaware Tobacco Company are:

Robt. Kenyon, Wilmington, Del.

Those forming the Washington Tobacco Company are:

Luchs Brothers, Washington, D. C.; C. W. Plugge, Washington, D. C.

Those forming the Neudeker Tobacco Company are:

Fink & Co., Baltimore, Md.; Caulk Brothers, Baltimore, Md.

The following jobbers were included in the original formation of the Metropolitan Tobacco Company, New York, viz.:

Bondhelm Brothers, formerly at Grand street, New York; M. Weinstein, formerly at Fifty-second street, New York; H. Mendelbaum, formerly at New York; Arnold diamond, formerly at Canal street, New York; Henry Lehman, formerly at East Houston street, New York; Joseph Lehman, formerly at East Fourth street, New York; Fred Wachtel, formerly at East Eighth street, New York; Kaufman, formerly at Canal street, New York; Straus, formerly at Eighth avenue, New York; H. Rieders, formerly at Third avenue, New York; L. Arensburg, formerly at Myrtle avenue, Brooklyn; Stern Brothers, formerly at Fulton street, Brooklyn; J. Wolf, formerly at Yonkers, N. Y.

The following jobbers have been absorbed by the Metropolitan Tobacco Company since its formation, viz.:

Hooks Brothers, formerly at Park avenue, New York; Lewin & Vogel, formerly at Eighth avenue, New York; Weis, formerly at avenue C, New York; Weis, formerly at Tenth avenue, New York; Levy, formerly at Second avenue, New York; Marum & Hedlich, formerly at East Houston street, New York; T. J. Donigan, formerly at Center street, New York; C. Freytag, formerly at Second avenue, New York; L. Monday, formerly at Third avenue, New York; Isaac Lefkowitz, formerly at Fulton street, Brooklyn; Fred Jacobs, formerly at Broadway, Brooklyn; William Moore, formerly at Fortieth street, Brooklyn; M. Graner & Son, formerly at Flushing avenue, Brooklyn; Butterfield, formerly at Bushwick avenue, Brooklyn; B. Donop's Son, formerly at Montrose avenue, Brooklyn; John Kriete & Son, formerly at Furman street, Brooklyn; Kuchler & Son, formerly at New Rochelle, N. Y.; Howard, formerly at Port Richmond, N. Y.

The following jobbers have either failed or been driven out of business since the formation of the Metropolitan Tobacco Company:

Asa Lemlein Company, formerly at Third avenue, New York; L. Nykerk, formerly at Fortieth street, New York; L. Worlflow, formerly at Forsyth street, New York; J. H. Rosen, formerly at One hundred and thirty-eighth street, New York; Butterfass & Valentine, formerly at Manhattan avenue, Brooklyn; Emil Brook, formerly at Melrose avenue, Brooklyn.

Note.—Asa Lemlein & Co. were formerly the largest jobbers in New York and Brooklyn, doing a business of about \$500,000 per year. They would not go into the original formation of the Metropolitan Tobacco Company, because they did not care to lose their identity with the trade. They were eventually compelled to go out of business after losing almost all their money. Mr. Asa Lemlein is now the New York representative of the E. H. Gato Cigar Company.

The following jobbers were included in the formation of the Brooklyn Tobacco Company, viz.:

Frank Lorenz, formerly at 507 Graham avenue, Brooklyn; L. Schwager, formerly at Washington street, Brooklyn.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Kentucky may be extended. Is there objection?

There was no objection.

Mr. STANLEY. And in this connection, Mr. Speaker, I ask permission to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GAINES of Tennessee. Mr. Speaker, before the gentleman proceeds, is it not a fact that when the American combination swallowed the English combination they agreed that the English combination would work over there and the American combination over here—they divided up the whole world in that way?

Mr. STANLEY. Certainly.

I have asked the President and the Secretary of Commerce and Labor to furnish information to this House as to the infringement of trade-marks and patents, and I charge that this trust has counterfeited the brands and trade-marks of independent dealers, and in support of this ugly assertion I offer a letter of Mr. Hugh Campbell, to whom I have previously referred:

THE UNITED STATES TOBACCO CO., TOBACCO MANUFACTURERS,
NEW ENGLAND OFFICE 176-178 MILK ST., BOSTON, MASS.,
Richmond, Va., May 10, 1906.

Hon. A. O. STANLEY, Washington, D. C.

DEAR SIR:

To give you an understanding of the sort of competition to which the trust resorts, I send you to-day samples of our brand "Central Union" cut plug, which has especially aroused the trust's antagonism and against which they have been pushing their brand of "Union Leader." This brand "Union Leader" was bought from Butler & Boshier Company in the form of package No. 1. As soon as they bought it they changed the shape of the package so as to more nearly conform to that of our package. This package is marked No. 2. On that second package Butler & Boshier's name still continued as manufacturers, although it had passed under the control of the trust. Later, this package not proving a success, they changed its place of manufacture to New Jersey, where it was put up by the P. Lorillard Company, and then took their name off altogether and pushed it upon the market, especially through the jobbers who had accepted their proposition of January, 1904.

In May, 1905, we ventured to bring suit against The American Tobacco Company for infringement of trade-mark and unfair competition, and their reply was on June 17 to begin sending out with every 2 pounds of tobacco which they manufactured and sold in the States where we are doing our principal business one 5-cent package of "Union Leader." This of course placed this brand in every retail store in these States, and the small retailer getting it for nothing, of course, to realize upon it had to sell it. I inclose you herewith some of the circulars which they issued at the time, and which I will be obliged by your returning to me after you have finished perusing them. Our suit was brought before the United States circuit court of Massachusetts, and although we seemed to have a very strong case, such as Mr. Moody had before Judge Humphreys in the Beef Trust case, we have lost.

Yours, truly,

HUGH CAMPBELL.

Here is a package of tobacco manufactured by the United States Tobacco Company called "Central Union," and which has had an extensive sale all over New England, Virginia, and the Carolinas.

Here is a package, its exact counterpart in color, form, size, and weight, which is called "Union Leader;" this package was made and placed upon the market to destroy the sale of the old and established brand made by Mr. Campbell's company. No man can tell these two packages apart when placed on a shelf ten feet away. In order to force the introduction of this spurious package, the trust actually sent it to jobbers in the territory where "Central Union" had hitherto commanded a ready sale, and by the express command of the American Tobacco Company this tobacco was given away.

I have here the original circular sent out by the American Company, blatantly proclaiming their infamous design, and I offer it to the inspection of this House:

UNION LEADER CUT PLUG FREE WITH ALL LISTED BRANDS OF TOBACCO OF THE AMERICAN TOBACCO COMPANY.

For salesmen: Effective on and after this date, we will give to retail dealers one (1) 5 cent foil package of "Union Leader" cut plug free with each two pounds of the listed brands of plug chewing, fine cut, twist, "Old Virginia" cheroots, and all brands of smoking tobacco (including "Union Leader" cut plug) of The American Tobacco Company. One hundred "Old Virginia" cheroots count as two (2) pounds of tobacco.

This offer is both liberal and attractive, and we desire that you push the sale of The American Tobacco Company's tobaccos vigorously while it lasts.

JUNE 17, 1905.

THE AMERICAN TOBACCO COMPANY,
111 Fifth Avenue, New York, June 17, 1905.

UNION LEADER CUT PLUG FREE.

With all our listed brands of tobacco to our customers in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia.

1. On and after this date, until further advised, you are authorized to give to retail dealers in the above-named States one five-cent (5c) foil package of Union Leader cut plug, free, with each two (2) pounds of any of our listed brands of plug chewing, fine cut, twist, Old Virginia Cheroots, and all brands of smoking tobacco, including Union Leader cut plug, that appear on our price list dated April 1, 1905, and also Town Talk plug; 100 Old Virginia Cheroots will count as two (2) pounds of tobacco.

2. We have advised retail dealers, direct from this office, that this offer is in effect, commencing this date, and we would thank you to begin immediately to put the deal in operation.

3. Should you not have in stock sufficient Union Leader cut plug in the 1½-ounce foil package to commence operations under this deal at

once, we would thank you to place an order immediately for same, and the goods will be promptly shipped. Union Leader so shipped will be billed to you in the regular way and at the regular price.

4. We would request that you report to us at the end of each month, during the life of this offer, on blanks we will furnish you for that purpose, your total shipments and deliveries in pounds, by brands, of our goods covered by this offer and also the quantity of Union Leader given away in connection with same. On receipt of such report we will ship you, gratis, Union Leader in 1½-ounce foil, to reimburse you. Note carefully, however, that in no case will we reimburse you with Union Leader to cover sales in excess of the quantity of tobacco we shall have shipped you since May 1, 1905, after deducting such quantity as has already been covered by remittance of 1 cent per pound to the retail dealer under our former offer.

5. No jobber will be permitted to buy from retailers the Union Leader given to said retailers, exchange other goods for it, or in any way divert it from reaching and being sold to consumers by retail dealers.

6. The privileges conveyed by this offer will positively and promptly be withdrawn from any customer who fails to deliver the free Union Leader with shipments or deliveries of our tobaccos as above provided.

7. The giving or offering to give free Union Leader at any point or points outside the above-named States will be a violation of the provisions of this offer, followed by forfeiture of its privileges.

8. Free Union Leader must not be given with sales made to jobbers or direct customers of this company.

9. Heretofore some of our customers have taken the liberty of changing our offer by substituting some other brand in lieu of that set forth in the offer, or reducing the price on the brands covered by the offer in lieu of giving the gratis goods. This will not be permitted under this offer.

10. This offer will be withdrawn from any jobber who violates or evades its provisions or who does not act in good faith with us in carrying out all its provisions in letter and spirit.

11. No representative or employee of this company has authority to change any circular, letter, or price list issued by this company.

Very respectfully,

THE AMERICAN TOBACCO CO.

N. B.—We have made arrangements with Blackwell's Durham Tobacco Company whereby your shipments of Bull Durham and Sweet Caporal, granulated, will apply under this offer. That is to say, you may give one five-cent (5c) foil package of Union Leader with each shipment of two (2) pounds of these brands to the retailer.

THE AMERICAN TOBACCO COMPANY, 111 FIFTH AVENUE,
New York, June 20, 1905.

To all retailers of tobaccos in the States of Maine New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia.

1. For a limited time you are entitled to receive free with every 2 pounds of our listed brands of tobaccos, one five (5) cent foil package of Union Leader.

2. We have notified our customers (jobbers), that we will give them this tobacco gratis on condition that they in turn give it to you in the same proportion. See that you get it, for you are entitled to it.

3. As this package retails for 5 cents, this offer increases your profit 2½ cents per pound on every pound of our tobaccos that you buy, whether plug chewing, plug smoking, long cut, fine cut, or granulated.

4. Union Leader is the very best grade of Burley tobacco, and has already received the support of the consumer, notwithstanding the limited time in which it has been offered to the trade.

5. Don't forget that with every 2 pounds of any of our listed brands or combinations of listed brands you are entitled to receive one foil package of 1½ ounces Union Leader free. This offer is for a limited time only, and you should purchase your tobacco freely while it is in effect.

6. Old Virginia cheroots are counted as tobaccos on the basis of 100 cheroots counting as 2 pounds. We have arranged with the Blackwell's Bull Durham Tobacco Company whereby your purchases of Bull Durham and Sweet Caporal granulated are included in this offer. That is to say, with every 2 pounds of these brands you buy you will receive one package of Union Leader free.

7. Please report to us promptly the name of any jobber who fails to give you (gratis) one 5-cent foil package of Union Leader with each 2 pounds of our listed brands of tobaccos that you buy from him.

Very respectfully,

THE AMERICAN TOBACCO CO.

Now, I know that Mr. Duke has declared that he is very fond of giving tobacco away; he is at times almost as liberal with his counterfeits of an honest man's product as Carnegie is with libraries. He declares that this is an old approved method of establishing "new brands."

I here offer his evidence, in which he confesses, with a native and childlike simplicity, that he sold "Battle Ax," to which I have referred, for less than the cost of the tobacco in it, and actually gave away "American Beauty" cigarettes. Here is his statement made under oath before the Industrial Commission:

REDUCED PRICES AS A MEANS OF INTRODUCING NEW BRANDS.

Q. The statement has been made at different times that the American Tobacco Company and the other large concerns, in order to introduce brands, cut prices very low, substantially down to the amount of the revenue tax. Have you had experience of that kind?—A. Oh, yes; that is only one method of introducing a brand. Instead of spending so much money on advertising in newspapers and bill posters, a cheap price is made, and the dealers are left to do the advertising and work up the market themselves.

Q. Can you give one or two instances of that kind?—A. Take Battle Ax; we made a low price on that and got it into the market that way; but on some others it would not work.

Q. Take the case of Battle Ax; that is an older brand, is it not?—A. Yes; that we got out and pushed as early as 1895.

Q. About what was the difference between the price you made then and the price you made after it became known?—A. Under the 6-cent tax at one time we got the price as low as 13 cents a pound.

Q. That was while it was made by the American Company, and before the Continental was organized?—A. Yes.

Q. And about where has the price gone to now, since the Continental has been organized?—A. Since the change in the tax we have raised the price, I think, up to 30 cents.

Q. That is a plug tobacco?—A. Yes.

Q. Can you give any similar illustration with reference to cigarettes?—A. In 1883, when Duke, Sons & Co. got into business, we cut the price of cigarettes three or four months before the change in the tax; we got the market before the change came, and then afterwards we had it on a profitable basis.

Q. Have you any special brands of that kind that you are introducing now?—A. Yes; we are working one in North Carolina.

Q. What?—A. I forget the name of it.

Q. American Beauty?—A. Yes.

Q. Can you state about what you are selling that for?—A. I forget whether it is \$1.50 or \$1.60.

Q. Per thousand?—A. Yes.

Q. What is the revenue tax?—A. \$1.50.

Q. So you are putting that down in order to get it started in that way?—A. Yes.

Q. Do you have any specially strong competitors in that locality?—A. No. We are making a test of it there to see whether a price of 20 cigarettes for 5 cents will bring back the business we have lost since the tax was changed to its present rate. You know the tax was raised from 50 cents to \$1.50. Before that we had been selling cigarettes to the dealer so he could resell them to the consumer at 20 for 5 cents. But on account of the increased price necessitated by the new tax, the cigarette business has shrunk nearly two-fifths, I should think. When you can sell 20 for 5 cents, it is stronger.

Q. All over the country?—A. Yes; and since the change in the tax we have put out the 20 for 5 cents, and we want to find out whether the cheap price will bring back the consumer to the 20 for 5 again.

Q. How long is it since you started doing that?—A. I do not know. I think we began sometime after the change in the tax.

Q. (By Mr. LITCHMAN.) Do I understand that the cigarette on which the tax is \$1.50 is being sold at \$1.50?—A. Yes; we frequently give a brand away in order to get it introduced. It is sometimes cheaper to do that way than it is to spend money to go around and sell them. (Rept. Ind. Com., vol. 13, p. 319.)

To a poor layman—a stranger, thank Heaven, to the peculiar methods and morals of a trust—it strikes me as just a little bit peculiar that this particular brand should have been benevolently bestowed upon the public only in that particular territory in which Mr. Campbell had established a sale for a brand of tobacco that the American Company had determined to destroy. An inadvertence, no doubt.

It is both instructing and amusing to note the estimate in which this great "captain of industry" holds his own business methods. It will be remembered that at this time the combine, according to Duke's own statement, only owned about 100 brands of cigarettes and 75 brands of tobacco. About 95 per cent of all the known brands in the world. Now, the same day and before the same Commission to which he confessed that he often gave away tobacco and cigarettes as the best and most approved method of introducing new brands, he has this to say about the wisdom of his own course:

You can not introduce a brand of tobacco in a few years. It takes a long period of years to establish a brand of tobacco. Even the Continental Tobacco Company, with all the experience they have in the business, would not expect to put a brand in the market and establish a demand for it at once. We lost money for ten years on "Duke's Mixture."

Here is another sworn statement. Oh, he is a smooth swearer. [Laughter.]

A great loss to the manufacturer is the attempted introduction of so many new brands. It is of no benefit to the consumer, a disadvantage to the retail dealer, a disadvantage to the jobber and to the manufacturer. There is where the main sacrifice and loss of the manufacturer is—continually getting out new things to try to attract the consumer when the consumer is satisfied with what he has and will not change; spending a lot of money without accomplishing anything, either by way of benefiting themselves or anybody else. (Rept. Ind. Com., vol. 13, pp. 327-328.)

If, according to Mr. Duke, it is folly for a poor manufacturer to give away his one brand for the purpose of introducing it, what consummate folly to give a new and spurious brand away when he was then manufacturing hundreds of old, well-established brands. This tobacco was given away, not to introduce a new brand, but to drive from the market an old one, and that the property of an honest and struggling competitor.

This combine has not only destroyed the business of its competitors or forced them to surrender plants, trade-marks, brands, and good will by the lawless methods I have just described, but it has attempted to force honest men to become their subservient tools, to lie and to masquerade like bondsmen in obedience to the nefarious designs of their shameless master. Yes, more; the president of the American and Continental companies stooped to give his personal supervision to this infamous business. I here offer the statement of Mr. St. Claire Butler as to his own experience with the head of the Continental and American Tobacco companies:

IN RE SECRET CONTROL.

In January, 1903, Mr. A. St. Clair Butler, of Butler & Boshier Company, Richmond, Va., and a friend spent a day at No. 111 Fifth avenue, New York, with Mr. Duke, Mr. Fuller, and one other trust representative. Mr. Duke wanted to buy and offered to buy 51 per centum of the capital stock of the Butler & Boshier Company, whose business for several years previously has been supplying the Navy Department with tobacco, and manufacturing and selling tobacco in the South and New England. Mr. Duke, in offering to buy 51 per centum of the stock, told Mr. Butler that the business was to continue just as it had been managed, and their interest in it to remain a secret. Mr. Butler was to continue an independent manufacturer, continue to use the union

label, and continue to associate with independent manufacturers. When Mr. Butler said that this would not be honest, Mr. Duke replied, "Plenty are doing it to-day, and if you do not do it, we will ruin you and drive you out of business." Mr. Butler asked time to consider the proposition, and returning home consulted his lawyer, who, happily, was a lawyer of the old school, as he advised Mr. Butler he would not be able to do what was proposed and be honest. Then Mr. Butler declined to sell. Thereupon the trust started a trade in New England against him. Mr. Butler had worked up quite a trade in New England on a smoking plug under the brand "Butler's Light and Dark," which was much the same as Mayo's "Eglantine" and "Ivy," brands owned by the trust, and which were large sellers, and on these the trust placed a deal, which so cut down Mr. Butler's business that he was greatly demoralized. Later the Navy contract was again awarded to Mr. Butler, and then the trust began bidding up the price of sun-cured tobacco, out of which the contract had to be made, and when Mr. Butler was thoroughly frightened, again offered to buy him. This time, however, they offered to buy his business outright, and finally they did so, continuing him as manager upon a salary.

The foregoing is a copy of the statement made January 20, 1905, to the Hon. James R. Garfield, Commissioner of Corporations. Mr. Butler was continued as manager of the business of Butler & Boshier Company, owned and controlled by the American Tobacco Company, from the time of its purchase, July 1, 1903, until March, 1906. Then the factory was closed, and Mr. Butler thrown out of employment. He, like 93 per cent of the manufacturers who have sold out, being under contract not again to enter into business, is now in the prime of life unable to engage in a business in which his whole life has been spent. Thus his experience as a tobacco manufacturer is lost to the country.

Now, I charge that these stool pigeons are created by this trust for the accomplishment of three infamous purposes. First. To deceive the producer and consumer of tobacco who desires to sell to or purchase from an independent dealer.

Second. For the purpose of deceiving and defrauding the Federal Government.

Third. For the purpose of throttling honest, patriotic, and wholesome legislation for the relief of the tobacco growers in this country.

I make these serious and terrible accusations deliberately and after a careful examination of the incontrovertible proof which I shall produce in their support.

I know full well, Mr. Speaker, that the men or corporations at whose door these heinous wrongs are laid are guilty of dishonesty to their competitors and treason to their country.

The Navy Department, by a wise and well-known regulation, has provided that the same firm or corporation shall not furnish more than one bid to the Navy for the furnishing of tobacco to it. Upon these bids the contracts are annually made. I wish here to call the attention of the House to an extract which appeared June 22, 1905, in that excellent and ably edited journal, Tobacco, published in New York:

THE NAVY TOBACCO CONTRACT.

Independent manufacturers say that the outcome of the recent hearing was not unexpected. What they sought was publicity and moral effect.

RICHMOND, VA., June 20.

The independent tobacco manufacturers of Richmond characterized as high-handed the way in which the trust was allowed to carry things in connection with the so-called hearing, which was given them in Washington, on their protest against the alleged violation of the law in the award of the contract for tobacco for the Navy.

The independents claim that this so-called hearing was not only grudgingly granted them, but that matter had been so cut and dried that it was already settled in advance that no matter how strong a case they might present, the award of the contract to the trust would be permitted to stand.

In discussing the matter to-day a prominent independent manufacturer says:

Just how tight a grip the trust has upon the Navy Department may be judged by the fact that among those present at the so-called hearing was Junius Parker, the chief of the legal department of the trust. To thoroughly appreciate the significance of his presence, it must be remembered that Mr. Parker is not a lawyer in general practice who appears for the trust as he might for any other client. He has his headquarters in the office of the trust, at 111 Fifth avenue, New York, and devotes his entire time and attention to its affairs. As a matter of fact, he is just as much an officer of the trust as James B. Duke, the president, or William H. McAllister, the secretary.

Now, while Mr. Parker took no active part in the proceedings before Assistant Secretary of the Navy Darling, that was entirely unnecessary, because of the attitude of the Navy Department, which seems to have had everything prearranged, so that the award of the contract to the trust should stand in any event. It goes without saying that Mr. Parker did not take the journey from New York to Washington and attend the so-called hearings out of mere idle curiosity, and his presence stamped the proceedings as farcical in the extreme.

As a sample of the attitude assumed by Assistant Secretary Darling when President Hugh Campbell, of the United States Tobacco Company, presented documents in support of what has long been a matter of common knowledge in trade circles, that the P. Lorillard Company and Butler & Boshier are both owned and controlled by the American Tobacco Company, Secretary Darling announced that the Government did not recognize the absorption of the two companies by the American Tobacco Company, and so far as the Department was concerned, they were independent companies.

When President Campbell retorted that the Department of Justice already had on file evidence that the two firms were the property of the trust, which evidence had been collected in course of the investigation of the selling methods of the trust now being conducted with a view to prosecution for conspiracy in restraint of trade, Secretary Darling replied:

The tobacco trust is not known here and is not represented. It may not be known, but it is certainly represented, replied President Campbell, as he pointed to Mr. Parker.

Now, Butler & Boshier and Lorillard & Co. were both bidders. I have already shown that the former firm had been absorbed by the trust in 1903 by the statement of Mr. St. Claire Butler. I have here the solemn finding of the supreme court of Missouri, where, in the case of the State v. Continental Tobacco Company, this same trust admitted that it owned Drummond & Co., "boots and breeches," and the court, after a careful hearing of the case, so found. I here offer an extract from the decision of the referee which was affirmed by the court:

EXCERPT FROM REFEREE'S DECISION.

(1) The American Tobacco Company was and is a corporation organized and existing under the laws of New Jersey, with authority, among other things, to purchase and operate tobacco factories and warehouses and to cure, manufacture, and sell all kinds of chewing and smoking tobacco. The exact date of its charter has not been proven, but it is shown by the evidence to have been engaged in business as far back as 1899. In 1895 the above-named American Tobacco Company purchased for cash the property, trade-marks, business, and good will of the respondent, the J. G. Butler Tobacco Company, a corporation under the laws of Missouri, and doing business in St. Louis, and since the said sale and purchase the said J. G. Butler Tobacco Company has ceased to exist as a corporate entity under its charter. In September, 1898, the American Tobacco Company made a like purchase for cash of the property, trade-marks, business, and good will of the respondent, the Drummond Tobacco Company, a corporation under the laws of Missouri, and doing business at the city of St. Louis, and the latter likewise ceased to do business as a separate entity under its charter. (State v. Continental Tobacco Company, 75 Southwestern Reporter, p. 742.)

In the manufacture of chewing tobacco, licorice paste is an essential ingredient; it is utterly impossible to conduct this business without this substance, which is a component part of all plug tobacco. This licorice paste is protected by a tariff duty of 6 cents a pound. Before the advent of the trust this paste sold for not to exceed 5 cents per pound. It will be seen that the duty was practically prohibitive.

This combine seeing in the control of the manufacture and sale of this substance an additional weapon for the annihilation of all future competition, proceeded to secure absolute control of all the makers and handlers of licorice in the United States; in this they have succeeded, and to-day the independent manufacturer of tobacco must apply on bended knee to this octopus for every pound of this substance, which is doled out to him upon hard conditions and at ruinous prices. Since this business has passed into the hands of the tobacco trust the price of licorice paste in the United States has increased 100 per cent.

The Federal authorities succeeded in getting an unpenitentiary thief by the name of Hale on the stand, in an investigation of trust methods conducted in New York last October, when he refused to answer questions which would have established this unlawful combination. His reason for this refusal was that he might degrade and incriminate himself.

The trust immediately secured the services of the most distinguished counsel in America—the Hon. Elihu Root, De Lancy Nicoll, and Junius Parker—and while these illustrious legal lights were solemnly protesting against the "outrage" of forcing this sweet-scented geranium to say anything which might peradventure leave a stain upon the spotless escutcheon of his honor the scoundrel actually stole thousands of dollars from his protectors and champions. That excellent journal Tobacco, in its issue of October 5, 1905, tells the story better than I can:

TRUST MAN TAKEN TO TOMBS—OFFICER FOUND IN CONTEMPT OF COURT FOR REFUSING TO REVEAL TRUST SECRETS INDICTED FOR LARCENY OF LARGE SUMS FROM THE COMBINATION.

Edwin F. Hale, the trusted secretary and treasurer of the McAndrews & Forbes Co., one of the subsidiary branches of the tobacco trust, who was last May found to be in contempt of court for refusing to answer questions put by the Federal grand jury at that time engaged in probing into the affairs of the trust, has been indicted for grand larceny on complaint of Karl Jungbluth, president of the McAndrews & Forbes Co. Harry Smock, the auditor of the McAndrews & Forbes Co., was jointly indicted with Hale, and both were arrested and taken to the Tombs prison last Thursday afternoon. President Jungbluth said that both Hale and Smock, who had been implicitly trusted, had authority to sign checks jointly for meeting the obligations of the firm, and had also had free access to the contingent fund of the company, which seems to have been of a size to meet unusual exigencies.

It was announced that the prisoners would be taken before Judge Cowing in general sessions court to plead to the indictment on Friday. This was done, and it is now reported that the matter may be settled out of court. The amount it is alleged they had misappropriated was said to reach thousands of dollars.

Secretary Hale, it will be recalled, was summoned before the Federal grand jury last May, and among the questions asked him were the following:

Are you employed by the American Tobacco Company?

Who is the president of the McAndrews & Forbes Co.?

Where is the office of the company?

Is there any agreement, or understanding, or arrangement between the American Tobacco Company and the McAndrews & Forbes Co. in relation to the trade or business in licorice affecting the business between the several States of the United States?

These questions, which Hale refused to answer on the ground that it might tend to degrade and incriminate him, were considered important, by reason of a report which had gained currency that the tobacco trust had secured a corner on the licorice output of the world, and

that independent manufacturers of cigars and tobacco could obtain no licorice or licorice paste unless they bought it through the tobacco trust or some of its subsidiary companies.

The trust brought its heaviest legal batteries to bear to save Hale from imprisonment for contempt, including their regular counsel, Junius Parker, as well as Elihu Root and De Lancy Nicoll, who were specially retained for this case. Hale was assessed a nominal fine and technically committed to the custody of the United States marshal. Henkel, until a writ of habeas corpus could be sued out by the trust counsel; and when he was taken before Judge Wallace, at Albany, and admitted to bail in the sum of \$1,000, briefs were submitted and the case taken under advisement.

It is said that since these proceedings Hale has been seen frequently at the race tracks and pool rooms, and during the summer Hale and Auditor Smock visited Saratoga, where they not only frequented the race track, but were more or less conspicuous figures in Canfield's and other big gambling houses. President Jungbluth has been quoted by the daily newspapers as saying that Hale and Smock had confessed to him that they had lost considerable money in gambling. He was further quoted as saying that they had drawn freely upon the contingent fund of the company, and when questioned as to one item of \$1,100 which had disappeared, they had replied unhesitatingly that they had drawn the money and "used it for the good of the firm."

It is intimated that they were led to make this free use of the company's funds because Hale relied upon his possession of trust secrets to render him immune from prosecution.

I am sorry I have not that Christian spirit which should prompt me to sympathize with the trust in its loss of many thousands at the hands of this beautiful blackmailer, this highly sensitive thief. There is a kind of retributive justice in the ingratitude of this pitiful creature, schooled by his makers in the art of perjury and fraud. In the language of Queen Marguerite, I could almost exclaim:

Most righteous, just, and all avenging God!
How I do thank Thee, that this carnal cur
Preys upon the issue of his mother's body,
And makes her poor fellow with others mourn.

If further proof of this lawless combination were necessary, here it is: Here is a copy of the "death warrant," which J. S. Young & Co., of Baltimore, independent tobacco manufacturers, were forced to sign by another "stool pigeon" of the trust before they could secure a pound of licorice paste, so necessary to their business. No man would voluntarily submit to such hard and humiliating conditions. This modern Shylock stands to-day at the door of every licorice plant in this union, and in defiance of law and decency enforces his hard conditions. "It is so stipulated in the bond," and you sign or close your doors.

I offer to this House an authentic copy of the iniquitous instrument:

BALTIMORE, MD.

GENTLEMEN: We make you the following proposition for furnishing you licorice paste for your use in the business of manufacturing tobacco:

We are to furnish you, and you are to buy from us during the year beginning August 24, 1904, not less than 180 cases of about 250 pounds each, and we are to furnish you as many more cases as you will need for your actual current manufacturing requirements during the term of said year, not to exceed in the aggregate 360 cases, the same to be of the quality of that heretofore sold you by us at the price of 93 cents per pound f. o. b. Baltimore, Md., sixty days net, or cash in ten days less a discount of 1 per cent. The number of cases of licorice paste above mentioned shall all be called for and delivered within the period called for by this contract, and shall be ordered by you in quantities not less than the rate of 15 cases per month, and not exceeding the rate of 30 cases per month, from said August 24, 1904, to August 24, 1905. It is also understood that the price heretofore mentioned shall be subject to an equitable advance if there should be any impost duty imposed on licorice root.

In consideration of our furnishing you with licorice paste as hereinbefore provided, we are to have the option to supply you during the year that begins August 24, 1905, licorice paste under the same maximum and minimum as is provided for the first year of this arrangement, and with all conditions the same, we are to notify you promptly on your written demand made at any time within thirty days after July 1, 1905, whether we elect to furnish you this licorice paste under the option retained by us as hereinbefore provided.

In the event of the interruption of operations at the plant of either party by fire, elements, or unavoidable accidents, this contract not to be void, but deliveries thereon to be suspended for such reasonable time as may be required to resume operations.

This contract shall not be deemed a personal one, but it shall inure to the benefit of and be binding upon us and our successors and assigns in the ownership of our plant, and you and your successors and assigns in the ownership of your brands of tobacco.

Please denote your acceptance of this proposition below, and the proposition and its acceptance in duplicate, without a more formal paper, shall be taken to constitute the memorandum of contract between us.

Yours, truly,

(Signed) J. S. YOUNG COMPANY,
By H. E. YOUNG, President.

The foregoing proposition is accepted this 24th day of August, 1904.

The trust is not satisfied with the rascals within the organization—God knows it ought to be.

It has its pestiferous vermin buzzing in the lobbies of every State legislature in this Union, ready to bully the weak and to buy the venial, to prevent the passage of just and righteous laws, and to secure by any indirection greater license to prey upon the merchant and plunder the planter.

I do not know whether it is a fellow-feeling or instinct, but this trust has the finest "nose" for a scoundrel of any organization in America.

I have here an article which appears in to-day's Washington

Post, which aptly illustrates their peculiar methods of manipulating deliberative bodies. In this case the trust was endeavoring to secure a "price list" of the Indiana legislature:

WABASH, IND., May 26. Arthur L. Hughes, a member of the Wabash bar, to-day made public the fact that he has a large number of letters which are the property of O. A. Baker, who is in hiding to escape an indictment on the charge of attempted bribery in the last legislature in connection with the passage of the anticigarette law. Mr. Hughes agreed to place the letters in the hands of the governor if assured of immunity for Baker. The governor declined this proposition.

Mr. Hughes in discussing these letters to-day said that one letter of the lot was signed by a man named Gibbs, whose office was in New York City, and who, Hughes explained, was connected with the so-called tobacco trust. The contents of this letter referred to the purchase of legislative votes and appraised one member as worth \$1,000 and another at \$500 and a third at \$250.

VALUATION ABOUT RIGHT.

"I know who these men are," said Hughes, "and Gibbs was not far astray in his valuation. I know, too, what members of the legislature were approachable and those who were not, and a lot of them belonged in the first class. Gibbs was succeeded by a man named Cole, who was connected with the so-called tobacco trust, and here is a telegram to Baker in cipher. Translated, it instructs Baker to 'go ahead with the deal' whereby certain votes were to be obtained against the cigarette bill."

"Baker was in communication with the insurance companies during the session of the legislature. He was not employed by the tobacco trust alone, and the work done for the insurance organizations was quite as nefarious as that of the tobacco trust. Baker has the documents to show that to be the truth."

And now, Mr. Speaker, I come to "the most unkindest cut of all;" to the most cruel, the most inexcusable and dastardly stab which this incorporate assassin has ever driven into the back of commerce, or the tired heart of unrequited toil. It will be remembered, Mr. Speaker, that twice within the last three years the Committee on Ways and Means, without a dissenting voice, have favorably reported a bill to this House repealing the tax of 6 cents a pound upon tobacco in the natural leaf, and twice has this House unanimously passed that bill. In three years no one of the 386 Members of this body has ever raised his voice except in hearty approval of this most righteous, just, and long-delayed relief, demanded by more than 3,000,000 men, women, and children, oppressed both by the greed of this combine and by unjust, unwise, and indefensible taxation on the part of the Federal Government.

There is not within the sound of my voice, not upon the muster roll of this body at this hour, a single Representative in the Federal Congress who does not favor the repeal of this tax and the passage of this bill, and yet, Mr. Speaker, that bill has twice been doomed to an ignominious death. It has twice been strangled in silence and in the dark. No measure has ever been passed by this House, or offered to its consideration, more necessary or more just. From the hour I entered this body until now I have given to it my most earnest effort and followed it with most ardent hope, until that hope, long delayed, made the heart sick; and now I charge—and I make no accusation without the proof—I charge that this measure has been throttled by a criminal conspiracy that is worse than theft; it is treason. I charge that the foul, false, traitorous emissaries of Rockefeller and of Duke have stood in the corridors of this Capitol waiting for this bill, freighted with the hopes and the prayers of my people, to start on its way to the Senate, and they have clutched it in their cruel hands, reeking with crime, and have strangled it to death.

I charge that the very men who appeared, acting and speaking a falsehood, who claimed to the Committee on Finance, to whom this bill was referred, that they represented independent dealers and appeared actuated by no other motive than the common good, were at that very hour the effigies and the hirelings of the trust. I charge that this incorporate marauder, this daring, law-defying, home-destroying bandit, the American Tobacco Company, masked its Madusa head and spoke in the name and of the weal of the very interests and the very victims it has marked for destruction. I charge that there is not to-day an independent dealer in the United States free from the clanking shackles of this commercial pirate who does not earnestly pray for the passage of that bill.

I have traveled all over Kentucky, Tennessee, and Virginia; I have met time and again with the representatives of tobacco growers all over this Union, and I am here to declare that there is not a tobacco planter from Connecticut to Florida who is not directly interested in the passage of that bill and who does not give to it his hearty and unqualified assent, and I am here to declare that this monopoly to-day sits sinister and serene with the hellish delight of a triumphant fiend, defying the law, blind, deaf, and callous to public sentiment and to the ruin and misery of 3,000,000 people; and, more than that, it resists, perverts, and annuls the expressed will of the representatives of 80,000,000 of people in this Congress assembled.

I charge that this bill when it had passed the House of Representatives without a dissenting voice had hardly found its

place in its duly appointed pigeonhole in the Committee on Finance before it was electrocuted by a telegram sent from 111 Fifth avenue, New York—the den of the robber, the home of the trust.

The SPEAKER. The Chair merely desires to admonish the gentleman that under the rules it is hardly proper to discuss anything that has happened in the Senate or even pending in the Senate.

Mr. STANLEY. I am not reflecting upon the Senate at all. I am merely stating the fact that the American Tobacco Company sent this telegram. I am not claiming that the Senate knew this duplicity was practiced on them. I can lay my hand on that telegram. It went to the chairman of the Finance Committee.

Mr. GAINES of Tennessee. What did they tell him to do?

Mr. STANLEY. They told him to fight that bill, and I have the sworn statement of the man who went before the committee that he was told by the American Tobacco Company to do so as an independent. I wish to file here as a part of this record that statement.

Mr. JAMES. Did the chairman of the Finance Committee of the Senate treat this telegram as confidential, coming to him from a trust representative to suppress legislation in favor of the people?

Mr. STANLEY. I have never heard that he has ever mentioned this communication. I got this information from the other end of the line. I have got a copy of it.

Mr. GAINES of Tennessee. The telegram was sent, I want to say.

Mr. STANLEY. Yes, it was sent. It was sent by a member of the firm of Martin & Co. It was sent from 111 Fifth avenue, New York, and the man who was forced to do it has the manhood to say that he did not then and does not now believe in the truth of that message. He was bound by a cruel, remorseless master, and forced to this miserable attempt to deceive the Senate and betray his countrymen.

I am ready to give his name to outraged justice when it shall demand it; and more, the man is yet alive to confront and confound the oppressors of my people.

Here is the statement:

Q. What has been and where have been your headquarters; what is or has been your business? How long were you engaged in that business?—A. I was engaged in the tobacco business in Louisville, Ky., for about six years; my father was engaged in same before that at Greenville, Ky.

Q. If disengaged in that business, why, when, and how did it occur?—A. I have been out of the business since January, 1905; was out fourteen months prior to that time. Two-thirds of the stock of the company in which I was interested, H. N. Martin & Co., was controlled by the Continental Tobacco Company, and owing to their manipulations, etc., of the business it was necessary to make changes, buy back the interest, and finally to sell out the business to other parties, to save it from total wreck. It was finally sold to the Blue Grass Tobacco Company, at Lexington, Ky., on or about April 15.

Q. Did you incur any loss? If so, how and why?—A. We incurred great loss, because under the management of the Continental Tobacco Company the assets shrunk to such proportions as to make the capital stock worthless, and we were bound to sell the plant for a certain amount of money to pay off the indebtedness.

Q. Was this the purpose of the Continental Tobacco Company—that is, to crush you out?—A. Apparently it was.

Q. Do you understand how they manipulate such business?—A. It is cheaper for them to come in and buy, as they did in this case, controlling interest in the stock and crush out the plant than it is to go and buy it outright at first. It would have cost them about five to one if they had bought us out, but instead they purchased two-thirds controlling interest and so manipulated it as to destroy the value of the plant, and we bought it back and sold it out to the Blue Grass Company.

Q. While you were in existence—that is, while the Continental concern owned two-thirds of the stock—were you not known to the outer world as an independent tobacco manufacturing concern?—A. Yes, sir; strictly so, using the union label of the International Tobacco Workers' Union.

Q. Was this done with the consent of the Continental Tobacco Company?—A. Yes, sir.

Q. Is it the policy and plan of the Continental Tobacco Company to establish these pseudo independent companies around through the country, for what they term legitimate competition, but as a matter of fact, it is not competition, is it, but a mere blind?—A. It is not competition, and it is their purpose and plan to establish such companies, or to buy up the controlling stock of already existing companies that have the trade, and merely as a blind, so far as competition is concerned.

Q. They then get control of an existing independent concern, and turn it into a pseudo independent concern, for the purpose of wiping out real competition?—A. Yes, sir.

Q. Do you know of any other instances of this being done?—A. I don't know of my certain knowledge of such cases, but is generally supposed and is almost a fact that they own a controlling interest in almost every factory in existence.

Q. That is to say, they own these pseudo independent factories; they establish and run them throughout the country?—A. Yes, sir.

Q. Have you at any time taken any position against the repeal of six cents tax on tobacco that was under discussion in the last Congress?—A. Yes, sir.

Q. Tell all that you did, if you will, and how it was done, and by whom.—A. I was instructed to send a telegram to Senator Aldrich, over the signature of H. N. Martin & Co., protesting against the repeal

of the 6-cent tax. My instructions came from C. C. Dula, who was then the vice-president of the Continental Tobacco Company.

Q. Where did the instructions come from, what city, and what was the substance?—A. From New York City, and the substance was that the repeal of the law would be unjust, etc.

Q. Did it come from any particular house, do you remember?—A. From 111 Fifth avenue, New York City.

Q. What is that number?—A. It is the number of the headquarters of the American Tobacco Company.

Q. The Continental Company was then and is a member of the American tobacco trust, of which Mr. Dula is an officer?—A. Yes, sir.

Q. Did you hear of other firms being thus instructed in sending these telegrams?—A. I have heard of none having been instructed along that line, but I am under the impression that Noll & Williams Tobacco Co., and perhaps the Monarch Tobacco Company, of Louisville, sent telegrams protesting against the passage of the bill.

Q. To whom did you send the telegrams?—A. I sent telegrams to Senator Aldrich.

Q. Would you have sent these telegrams if you had not been so instructed?—A. No, sir; I would not.

Q. Were these other two firms that you think sent these telegrams pseudo independent concerns?—A. I could not say about that.

Q. What objection did you then have, or now have, to the repeal of the tax? It produces no revenue.—A. I had no objection whatsoever to the repeal of the law.

Q. Did the other member of the firm of Martin & Co. have any objection?—A. No, sir.

Q. You sent it because you were directed to do so?—A. Yes, sir.

Q. You obeyed orders from 111 Fifth avenue, New York?—A. Promptly.

Q. Have you heard of other tobacco people receiving these instructions?—A. I have never heard of them, because such information is seriously guarded by each concern, and secretly kept, one from the other.

Q. Are you now in the tobacco business?—A. No, sir.

Q. You are entirely disconnected?—A. Entirely so.

Q. Are you in any business at this moment?—A. No, sir.

Q. Are you one of the victims of this tobacco trust crushing?—A. I am.

Q. When did you receive these instructions from 111 Fifth avenue, New York?—A. I can not specify the date, but I think it was in the spring of 1904.

Q. What became of all of your papers?—A. All of my papers are now in the hands of the Department of Labor and Commerce.

Q. Including this telegram?—A. Yes, sir.

I have spoken, Mr. Speaker, of the manufacturer driven from his factory—the despoiled factor—and the small dealer forced to slavery or want.

There is yet a sadder scene—victims more numerous and more helpless than all the rest. They have followed this plant into the very earth.

In Kentucky, Tennessee, and Virginia this plant has for years been carefully nurtured by humble, but hardy, happy sons of toil. Under free and unfettered competition, an acre of ground planted to tobacco would produce from \$75 to \$200. One man could by hard labor cultivate 3 acres. Not a great return for a year of toil, but they were content.

Far from the madding crowd's ignoble strife,
Their sober wishes never learned to stray;
Along the cool sequestered vale of life
They kept the even tenor of their way.

It is true this humble soul was the tenant of a cottage or a cabin, but he was happy and respected and content—can Rockefeller or Duke say as much? He had the bare comforts of life; he sat in the eventide and listened to the prattle of his babes, and gave from his brave heart sincere thanks to his God for the love of wife, and child, and friend. Yes, it was only a poor, unknown laborer seated at sunset in the door of his cabin; but how much bigger and better than all the mansions of Mammon is a cabin on the hillside hallowed by self-abnegating love and unsullied honor.

It was upon the backs of each of these poorly paid, contented, and laborious tillers of the soil that this hungry combine laid its heavy hand, and from their sweat and sorrow has in fifteen years wrung a colossal fortune that beggars all the wealth of princes and of kings.

In 1903 the trust priced and took this product with as little regard for justice or mercy as a Moroccan brigand.

Tobacco which had sold for from 6 to 8 cents brought barely 3—the tenant received less than 20 cents a day for his labor.

And then it was, Mr. Speaker, that I saw all over my fertile State a scene sad enough to "make the angels weep." I saw woman—woman in the South—made a beast of burden in the field, driven there not by the tyranny of him who had promised to love, honor, and protect her, not by her own choice, but by abject want. There was not in 1903 in all the world, not in the jungles of India nor on Siberia's frozen plains, in no pest-haunted, penury-cursed hole in the Orient, no Chinese coolie or San Domingo negro, in that fever-infested gehenna of disease and death yonder in Panama, not on God's footstool anywhere, was there a living slave to penury or power so wretched or so poor as the Kentuckian on his native heath. Still blessed by fertile soil, the sunshine, and the dew, but robbed of nature's abundance and God's goodness by the merciless machinations of this trust.

Other States, sir, may boast of the majesty of mountain and plain, of the energy and wealth in factory, mine, and mill, but

my people still shall cherish, as the dearest object of their love and pride, that "old Kentucky home." No marble walls or Corinthian columns, no costly tapestries or curtains of damask make it great. It is hospitality's holiest altar. It is love's purest shrine. Not his direst enemy has ever dared to charge that the son of the South has failed in gallant devotion, loving service, and deepest reverence for the honor and the helplessness of woman. The Kentuckian permits not the winds of summer to visit too roughly the face of her whose love has blessed and sanctified his whole existence. She commands, without asking it, his labor, his idolatrous devotion, and, if need be, his life.

And yet, in that fair Southland—I blush to confess it—I have seen a frail girl, God's ministering angel, at the holiest altar ever raised to His worship, a hearthstone, torn from the home where love had crowned her. I have seen her disentwine from about her white neck the ivory arms of her babes, seen her clad in rags, and before the aurora had gilded the dawn I have seen her like a beast of burden bowed in the dirt and dust and toil of the field.

And she was driven there by the wolverine teeth of want. She was there amidst the humiliation and tears of the man she loved, that she might with her frail and tender hands tear the skeleton clutch of famine from the throat of her child.

I charge she was driven there, not by the lash of a tyrant, not by lack of gallantry or love, but by the insatiate lust for gold—the remorseless, pitiless, accursed greed of this combine.

And when my wretched people have petitioned this House for relief these despicable conspirators have still pursued and betrayed them first by larceny, then by a lie.

I rejoice that Justice at last is ready to unsheath her tardy sword; that God's wrath no longer slumbers.

I demand, sir, that the law as it is written be rigidly, quickly, and mercilessly enforced by fine and by imprisonment; that these haughty bandits be brought to the bar of justice; that they be clad in the loathsome garb of guilt, and, if possible, confined in "a felon's cell—the fittest earthly type of hell." I declare that an ordinary convict should feel like an honest man when compared with the conduct of the American Tobacco Company in the last five years. [Loud applause.]

The SPEAKER. Does the gentleman from Kentucky withdraw his motion to discharge the committee?

Mr. STANLEY. I withdraw the motion to discharge the committee.

MASONIC MUTUAL RELIEF ASSOCIATION, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin calls up the following bill in order on District day, which the Clerk will report.

The Clerk read as follows:

An act (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

Be it enacted, etc., That the proviso at the end of section 5 of the act of Congress entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901, be, and the same is hereby, amended so that it will read as follows: "Provided, however, That no certificate of membership shall be issued by said corporation for an amount exceeding \$5,000."

Mr. WILLIAMS. Mr. Speaker, upon last District day we were in the throes of discussion on the broad-tire matter. I would like to ask the gentleman from Wisconsin how it happens that we do not go on with that and finish it?

Mr. BABCOCK. That is on the Calendar.

Mr. WILLIAMS. It is not only on the Calendar, but when the House adjourned we were then considering it.

Mr. BABCOCK. There were some other matters which were of some importance—matters which would not provoke discussion—which we preferred to take up—

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry—

Mr. BABCOCK. But if the gentleman desires to take that bill up—

Mr. WILLIAMS. Having been engaged in the discussion of that bill at the time we adjourned on last District day, does it not come up on this District day as unfinished business?

Mr. PAYNE. Mr. Speaker, I would like to ask whether the bill was reported to the House or was in Committee of the Whole?

Mr. BABCOCK. It was reported to the House.

Mr. PAYNE. The bill was pending in the Committee of the Whole?

Mr. BABCOCK. It was reported to the House with a favorable recommendation.

The SPEAKER. Was the previous question ordered?

Mr. WILLIAMS. No; the previous question was not ordered, I think, but I am not certain of that, however.

Mr. BABCOCK. I believe the previous question was ordered. The gentleman, I think, himself discussed that motion on the floor as to whether the previous question had been ordered or not.

The SPEAKER. Was the previous question ordered?

Mr. BABCOCK. I am not sure about it.

Mr. WILLIAMS. I think not; I think we were discussing it.

The SPEAKER. On page 697 of the Manual is this memorandum: "Unfinished business on a day assigned to it goes over to the next day had by the committee." Now, the Chair is inclined to the opinion that unless the House desires to take up other matters that this would be the first matter. The Chair does not find any precedents. The Clerk informs the Chair, so far as he knows, there are no precedents, but the general theory as to unfinished business is that when it goes over from one day to another that it is the first matter that would be presented for consideration. Of course Congress might consider something else.

Mr. WILLIAMS. Yes; but the regular order is unfinished business.

The SPEAKER. The Chair is inclined to the opinion that, in the absence of action by the House—

Mr. PAYNE. Is that unfinished business unless the previous question is ordered? I do not know whether it appears on the Calendar as unfinished business or not.

The SPEAKER. It occurs to the Chair that the Committee on the District of Columbia has two certain days, Mondays, in the month. It also occurs to the Chair that, in the orderly transaction of business, the bill which had been considered in the Committee of the Whole House would have precedence.

However, the Clerk calls my attention to a ruling upon this subject in the Manual, as follows:

Business unfinished on a District of Columbia day does not come up on the next District day unless called up.

And further, on page 759 of Parliamentary Precedents, is the following:

The Speaker held that, pursuant to Rule XXVI, it was in order for the committee to present such business as they desired, and that the unfinished business did not recur unless presented by the committee.

That was the decision of Mr. Speaker Crisp. In light of this precedent the Chair would hold, while the Chair would have been inclined to hold that the question was open, according to the contention of the gentleman from Mississippi [Mr. WILLIAMS], as the Chair finds the precedent, and in the absence of further authority, the Chair will follow the ruling of Mr. Speaker Crisp and hold that it rests with the committee to call at this stage the bill referred to by the gentleman from Mississippi, and it is left to the Committee on the District of Columbia to call up such business as it sees proper. It rests not upon general parliamentary usage, but upon the special rule that gives certain Mondays in each month to the committee, as follows:

The second and fourth Mondays of each month are set apart for business presented by the Committee on the District of Columbia.

Mr. WILLIAMS. I see that under the language of the rule the ruling of Speaker Crisp must be correct.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. WILLIAMS. Mr. Speaker, there was a good deal of confusion in the Hall at the time the bill was called up, and therefore I would like to have it read again by the Clerk.

The SPEAKER. Without objection, the Clerk will report the bill.

The bill was again read.

Mr. WILLIAMS. Now, Mr. Speaker, I would like to ask the gentleman from Wisconsin [Mr. BABCOCK]—

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SIMS] who reported the bill.

Mr. WILLIAMS. I would like to ask the gentleman from Tennessee precisely what change this amendment to the proviso of existing law makes?

Mr. SIMS. It increases the amount they may insure for. They issue certificates of insurance now to \$2,000, and this increases it to \$5,000.

Mr. WILLIAMS. Certificates of insurance?

Mr. SIMS. From two to five thousand dollars. If the gentleman desires, I will read the letter explaining the matter.

Mr. WILLIAMS. I think that is unnecessary.

Mr. SIMS. That is all there is in it.

The SPEAKER. The question is on the third reading of the bill.

The question was taken; and the bill was ordered to be read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 102, noes 3.

Mr. WILLIAMS. Mr. Speaker, I am afraid there is no quorum.

The SPEAKER. The gentleman from Mississippi makes the point that no quorum is present. The Sergeant-at-Arms will close the doors and bring in absentees. The Clerk will call the roll, and as many as favor the passage of the bill will, when their names are called, answer "aye;" as many as are opposed will answer "no," and those present will answer "present."

The question was taken; and there were—ayes 229, noes 3, answered "present" 17, not voting 132, as follows:

YEAS—229.

Acheson	Draper	Kinkaid	Richardson, Ky.
Adams, Pa.	Dunwell	Klepper	Rixey
Adams, Wis.	Edwards	Knowland	Rodenberg
Alexander	Ellis	Lacey	Rucker
Allen, Me.	Esch	Lafan	Ruppert
Ames	Fassett	Landis, Chas. B.	Ryan
Barbeck	Fitzgerald	Landis, Frederick	Scott
Barchfeld	Fletcher	Lawrence	Shartel
Bartlett	Floyd	Lee	Sherman
Bates	Foss	Le Fevre	Sibley
Beall, Tex.	Foster, Ind.	Lester	Sims
Bede	Foster, Vt.	Lilley, Conn.	Smith, Cal.
Bennet, N. Y.	French	Littauer	Smith, Ill.
Bennett, Ky.	Fulkerson	Livingston	Smith, Iowa
Birdsall	Fuller	Lloyd	Smith, Md.
Bonyne	Garber	Longworth	Smith, Samuel W.
Bowersock	Gardner, Mass.	Loud	Smith, Pa.
Brantley	Gardner, N. J.	Loudenslager	Smith, Tex.
Brick	Garner	Lovering	Smyser
Brooks, Tex.	Garrett	McCarthy	Snapp
Brooks, Colo.	Gilbert, Ind.	McCleary, Minn.	Southard
Brown	Gilbert, Cal.	McGavin	Southwick
Brownlow	Goebel	McKinlay, Cal.	Sperry
Buckman	Graft	McKinley, Ill.	Splight
Burgess	Graham	McKinney	Steenserson
Burke, Pa.	Granger	McLachlan	Stephens, Tex.
Burke, S. Dak.	Grosvenor	McLain	Sterling
Burleson	Hale	Macon	Stevens, Minn.
Burton, Del.	Hamilton	Madden	Sullivan, Mass.
Burton, Ohio	Hardwick	Mann	Sulloway
Butler, Pa.	Haugen	Miller	Sulzer
Calderhead	Hay	Mondell	Talbot
Campbell, Kans.	Hayes	Moon, Tenn.	Tawney
Campbell, Ohio	Hedge	Moore	Taylor, Ala.
Capron	Henry, Conn.	Morrell	Taylor, Ohio
Cassel	Henry, Tex.	Mudd	Thomas, Ohio
Chaney	Hepburn	Murphy	Tirrell
Clark, Fla.	Hermann	Needham	Townsend
Clark, Mo.	Higgins	Olcott	Underwood
Clayton	Hill, Conn.	Olmsted	Volstead
Cocks	Hinsshaw	Otjen	Wachter
Cole	Hogg	Overstreet	Waldo
Connor	Holliday	Padgett	Wallace
Cooper, Wis.	Houston	Page	Watkins
Cousins	Howell, Utah	Palmer	Watson
Cramer	Hubbard	Parker	Weems
Crumacker	Humphreys, Wash.	Parsons	Wharton
Curtis	Humphreys, Miss.	Payne	Wiley, N. J.
Cushman	Hunt	Perkins	Williams
Dalzell	James	Pollard	Wilson
Darragh	Jenkins	Pou	Wood, Mo.
Davis, Minn.	Johnson	Powers	Wood, N. J.
Davis, W. Va.	Jones, Wash.	Prince	Woodyard
Dawes	Kahn	Rainey	Young
Dawson	Kelfer	Ransdell, La.	Zenor
Denby	Kellher	Rhinock	
Dixon, Ind.	Kennedy, Nebr.	Rhodes	
Dixon, Mont.	Kennedy, Ohio	Richardson, Ala.	

NAYS—3.

Adamson	Gillespie	Wanger
Andrus	Dickson, Ill.	Lilley, Pa.
Boutell	Driscoll	McCall
Brundidge	Gaines, Tenn.	Shackelford
Dale	Hull	Sheppard
Davey, La.	Kline	Sherley

NOT VOTING—132.

Aiken	Currier	Gregg	Law
Allen, N. J.	Davidson	Griggs	Legare
Bankhead	De Armond	Gronna	Lever
Bannon	Deemer	Gudger	Lewis
Bartholdt	Dovener	Haskins	Lindsay
Beidler	Dresser	Hearst	Little
Bell, Ga.	Dwight	Hefflin	Littlefield
Bingham	Ellerbe	Hill, Miss.	Lorimer
Bishop	Field	Hitt	McCreary, Pa.
Blackburn	Finley	Hoar	McDermott
Bowers	Flack	Hopkins	McMorrison
Bowie	Flood	Howard	McNary
Bradley	Fordney	Howell, N. J.	Mahon
Broussard	Fowler	Huff	Marshall
Burleigh	Gaines, W. Va.	Hughes	Martin
Burnett	Gardner, Mich.	Jones, Va.	Maynard
Butler, Tenn.	Gilbert, Ky.	Ketcham	Meyer
Byrd	Gill	Kitchin, Claude	Michalek
Calder	Gillett, Mass.	Kitchin, Wm. W.	Minor
Candler	Glass	Knapp	Moon, Pa.
Chapman	Goldfogle	Knopf	Mouser
Cockran	Goulden	Lamar	Murdoch
Cooper, Pa.	Greene	Lamb	Nevin

Norris
Patterson, N. C.
Patterson, S. C.
Patterson, Tenn.
Pearre
Pujo
Randall, Tex.
Reeder
Reid
Reynolds

Rives
Roberts
Robertson, La.
Robinson, Ark.
Russell
Samuel
Schneebell
Scroggy
Slayden
Slomp

Small
Smith, Ky.
Smith, Wm. Alden
Southall
Stafford
Sullivan, N. Y.
Thomas, N. C.
Towne
Trimble
Tyndall

Van Duzer
Van Winkle
Vreeland
Wadsworth
Webb
Webber
Weeks
Weisse
Welborn
Wiley, Ala.

So the bill was passed.

The following pairs were announced:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. HULL with Mr. SLAYDEN.

Until further notice:

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. WELBORN with Mr. GUDGER.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BARCHFIELD with Mr. HEARST.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HITT with Mr. LEGARE.

Mr. REYNOLDS with Mr. McDERMOTT.

Mr. HASKINS with Mr. LEVER.

Mr. DALE with Mr. BOWIE.

Mr. DRISCOLL with Mr. RANDELL of Louisiana.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPP with Mr. WEISSE.

Mr. LILEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. LAW with Mr. PATTERSON of South Carolina.

For Saturday and Monday:

Mr. GAINES of West Virginia with Mr. RUSSELL.

Until Tuesday:

Mr. WEEKS with Mr. STANLEY.

For this day:

Mr. BOUTELL with Mr. GRIGGS.

Mr. ALLEN of New Jersey with Mr. GREGG.

Mr. GARDNER of Michigan with Mr. MEYER.

Mr. TYNDALL with Mr. HEFLIN.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. DWIGHT with Mr. SULLIVAN of New York.

Mr. MARTIN with Mr. ROBINSON of Arkansas.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. BLACKBURN with Mr. SMALL.

Mr. KETCHAM with Mr. COCKRAN.

Mr. NEVIN with Mr. FIELD.

Mr. WADSWORTH with Mr. CANDLER.

Mr. VREELAND with Mr. BYRD.

Mr. SAMUEL with Mr. VAN DUZER.

Mr. ROBERTS with Mr. TRIMBLE.

Mr. SCHNEEBELL with Mr. PATTERSON of Tennessee.

Mr. RIVES with Mr. TOWNE.

Mr. VAN WINKLE with Mr. WEBB.

Mr. PEARRE with Mr. SOUTHALE.

Mr. NORRIS with Mr. REID.

Mr. MOON of Pennsylvania with Mr. McNARY.

Mr. MINOR with Mr. RANDELL of Texas.

Mr. MAHON with Mr. LINDSAY.

Mr. McMORRAN with Mr. LEWIS.

Mr. McCREARY of Pennsylvania with Mr. PUJO.

Mr. LORIMER with Mr. LAMB.

Mr. HUGHES with Mr. LAMAR.

Mr. HOWELL of New Jersey with Mr. CLAUDE KITCHIN.

Mr. HOAR with Mr. HOWARD.

Mr. FOWLER with Mr. GLASS.

Mr. FORDNEY with Mr. GILL.

Mr. DRESSER with Mr. ELLERBE.

Mr. DAVIDSON with Mr. BUTLER of Tennessee.

Mr. COOPER of Pennsylvania with Mr. BURNETT.

Mr. CALDER with Mr. BROUSSARD.

Mr. BURLEIGH with Mr. BOWERS.

Mr. BEIDLER with Mr. BANKHEAD.

Mr. BINGHAM with Mr. JONES of Virginia.

For this vote:

Mr. GILLET of Massachusetts with Mr. FLOOD.

Mr. MURDOCK with Mr. MAYNARD.

Mr. MOUSER with Mr. WILEY of Alabama.

Mr. MARSHALL with Mr. DE ARMOND.

Mr. McCALL with Mr. ROBERTSON of Louisiana.

Mr. BISHOP with Mr. BELL of Georgia.

Mr. BANNON with Mr. AIKEN.

The SPEAKER pro tempore (Mr. McKINLEY of Illinois). On this question the yeas are 229, the nays are 3, present 17; a quorum is present, the yeas have it, and the bill is passed.

KILLING OF WILD BIRDS AND OTHER ANIMALS IN THE DISTRICT.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 13193) to prohibit the killing of wild birds and other wild animals in the District of Columbia.

Be it enacted, etc., That no person shall at any time or at any place in the District of Columbia kill, or attempt to kill, any game bird or any other wild bird whatever, except the English sparrow, under a penalty of \$5 or imprisonment in the workhouse for not more than six months, or both, for each bird killed or for each attempt as aforesaid: *Provided,* That birds or eggs may be collected for strictly scientific purposes under written permits issued by the superintendent of police of the District of Columbia, in accordance with such regulations as the Secretary of the Smithsonian Institution may prescribe, said permits not to exceed twenty-five at any one time, to be in force until the close of the calendar year in which issued, and shall be non-transferable.

Sec. 2. That no person shall at any time or at any place in the District of Columbia trap, catch, kill, injure, pursue, or attempt to trap, catch, kill, injure, or pursue any squirrel or any chipmunk, or shall shoot or hunt with a gun any rabbit or other wild animal without a special written permit so to do from such officer as the Commissioners of the District of Columbia may, by regulation or order, from time to time charge with that duty, under a penalty of \$5 or imprisonment in the workhouse for not more than six months, or both, for each squirrel or chipmunk trapped, caught, killed, injured, or pursued, or for each rabbit or other animal killed as aforesaid: *Provided,* That any wild animal may be killed when suffering from injury or disease.

Sec. 3. That no person in the District of Columbia shall kill any English sparrow or any wild animal suffering from injury or disease, by means of any gun, air gun, rifle, air rifle, parlor rifle, pistol, revolver, or other firearm, without a special written permit so to do from such official as the Commissioners of the District of Columbia may, by regulation or order, from time to time charge with that duty, under a penalty of \$5 or imprisonment in the workhouse for not more than six months, or both, for each sparrow or animal so killed.

Sec. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such usual and reasonable police regulations, in addition to those already made under the act of January 26, 1887, and the joint resolution approved February 26, 1892, as they may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind in the District of Columbia.

Sec. 5. That no person in the District of Columbia shall at any time hunt, pursue, or needlessly disturb any wild duck, goose, or other waterfowl, on any of the waters of the District of Columbia, with any boat propelled by any means other than oars, under a penalty of \$10 or imprisonment in the workhouse for not more than six months, or both, for each offense.

Sec. 6. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

The amendments recommended by the committee were read, as follows:

Page 1, strike out all after the word "*Provided,*" in line 8, down to and including the words "non-transferable," in line 2, on page 2, and insert in lieu thereof the following: "That landowners or tenants may, under special written permit from the superintendent of the Metropolitan police, shoot or kill crows, Cooper hawks, sharp-shinned hawks, and great horned owls found destroying crops or poultry on their premises."

Page 2, lines 11 and 12, strike out "six months" and insert "thirty days."

Page 2, line 24, strike out "six months" and insert "thirty days."

Page 3, line 15, strike out "six months" and insert "thirty days."

Mr. CAMPBELL of Kansas. Mr. Speaker, the object of this bill is to prohibit hunting in the District of Columbia, in the interests of public safety and bird protection and to make the suburbs of Washington practically a refuge for native birds and mammals. Population is increasing so fast and the outlying sections of the city are being built up so rapidly that it is no longer safe to permit indiscriminate hunting, and, in fact, no longer possible to hunt without constantly trespassing on private property. The wild life that still remains should be carefully preserved in order to increase one of the most attractive features of the park system of the national capital. The measure is so drawn as to make ample provision for the destruction of injurious species and to safeguard the interests of persons whose gardens or poultry might suffer from the depredations of rabbits or birds of prey. The only objection which can be urged against it—namely, that it deprives residents of the privilege of hunting—disappears upon careful consideration of existing conditions.

The only game of any importance in the District of Columbia consists of quail or partridges, rail or ortolan, reedbirds, red-winged or marsh blackbirds, a few ducks and snipe, and squirrels and rabbits. Quail are scarce, and through the efforts of the Game and Fish Protective Association and the Audubon Society the few coveys which now remain are regularly fed during severe weather in winter. Under such conditions the prohibition of shooting affords no real hardship. Ducks and snipe are also scarce, and the few birds which occasionally wander into the District are constantly pursued and harassed until they are either killed or driven elsewhere. Section 5 of the bill, prohibiting the pursuit of waterfowl with certain kinds of boats, has

been incorporated in the bill for the special purpose of correcting an evil which is largely responsible for the scarcity of ducks on local waters.

Most of the hunting in the District is confined to the marshes of the Eastern Branch, where, on the opening day of the season—September 1—hunters turn out in such numbers to shoot rail, reedbirds, and blackbirds that in the limited area it is almost impossible for them to keep out of range of one another. Accidents occur every year, and the number is certain to increase in the future. So thoroughly are the marshes shot over that in four or five days the birds are either killed or driven away, and during the remainder of the season the shooting amounts to practically nothing. The privilege of shooting on the Eastern Branch has already been practically withdrawn by an amendment to section 5 of Article IX of the Police Regulations, which took effect early in the present year, prohibiting shooting within 500 yards of the Potomac River, the Eastern Branch, Rock Creek, public roads and highways, buildings, parks, and reservations, etc. The present bill, therefore, does not prevent the enjoyment of any existing privilege, but simply strengthens this regulation and makes it applicable to the entire District.

Mr. Speaker, it is a common practice when certain kinds of game become scarce to prohibit shooting for a term of years or indefinitely. In the case of quail, five States—Maine, Michigan, Montana, Wisconsin, and Wyoming—now prohibit killing throughout the year. Five other States where the birds are locally scarce also prohibit killing in certain counties, and in the case of Kansas this prohibition extends to 19 counties, or nearly 20 per cent of the State. California, Kansas, and Nebraska likewise protect certain kinds of squirrels throughout the year. Legislation of this kind has recently been enacted in Virginia and Maryland for two of the counties adjoining the District. In 1904 the board of supervisors of Alexandria County, Va., extended protection to squirrels for six years, and at the last session of the legislature of Maryland an act was passed prohibiting the hunting of quail for two years in Montgomery County, which adjoins the north border of the District.

In Florida, by a special act of legislature, all hunting within one mile of the corporation limits of the town of West Palm Beach is absolutely prohibited, and somewhat similar regulations are in effect at St. Augustine and Tampa. In Massachusetts shooting is prohibited within the city limits of Boston and other cities in the State. Similar regulations are in effect at Providence (R. I.), Philadelphia, and New York. In the case of Philadelphia the city limits are coextensive with the county of Philadelphia, an area of about 130 square miles, or nearly twice that of the District of Columbia. In the case of New York section 721 of the Revised Ordinances of New York City provides substantially as follows:

No person shall fire or discharge any gun, pistol, fowling piece, or other firearms in the city of New York, under the penalty of \$10 for each offense.

This restriction on hunting extends to Greater New York with the exception of a number of parks mentioned by name, an area of about 320 square miles, or more than four times that comprised in the District. In the West hunting is prohibited in the national parks and, except under permit, on some of the forest reserves. The area thus protected in the Yellowstone National Park comprises more than 3,000 square miles, or more than three times the area of the State of Rhode Island and nearly fifty times that of the District of Columbia.

Mr. Speaker, the District of Columbia is unusually fortunate in the variety of its bird life. Of the 1,200 or more species of birds which occur in the United States and Canada, 291 have thus far been found in the District. In other words, nearly one-fourth of all the birds which occur on the North American continent north of Mexico have been found within a radius of a few miles of the national capital. At least twenty-six species are known to breed within the limits of the city proper, and during the height of migration in the spring many different kinds may be found in the parks and about the suburbs, more than eighty species of native birds having been seen by one observer in a single day. The importance of protecting and, so far as possible, increasing this wealth of bird life is self-evident. It is one of the most attractive features of our parks, but, unlike the trees and flowers, if once destroyed it can not be replaced. It can only be preserved through adequate protection, and in proportion to its cost will afford one of the largest returns of any of the features which are under consideration for the improvement of the national capital. As our residents become better acquainted with the birds they become more insistent for their preservation, and the number of persons who now are interested in preserving or studying the habits of birds is probably greater than the number of those who hunt.

A striking illustration of the results of prohibiting shooting is afforded in the case of West Palm Beach, Fla., already mentioned, where a similar law was passed five years ago. During the winter wild ducks are very abundant, and within the protected zone about the town have become so tame that they come close about the boats and wharves and will almost feed from the hand.

The experiment already made of liberating gray squirrels in the grounds of the Capitol, the Smithsonian Institution, and the Department of Agriculture shows how much public interest is aroused in work of this kind. The National Zoological Park, the Game and Fish Protective Association, and private citizens are actively interested in increasing the number of gray squirrels, and are desirous of introducing and liberating waterfowl, pheasants, and other attractive birds in some of the parks. Under present conditions it is useless to attempt the introduction or increase of birds or game, as without some legislation of the kind contemplated in this bill they are certain to be trapped or shot as soon as the season opens.

THE PROPOSED LEGISLATION GENERALLY FAVORED.

The proposed legislation is favored by the President of the United States, the Commissioners of the District of Columbia, the Audubon societies of the District of Columbia and of various States, and by a large number of citizens of the District of Columbia. Only one letter in opposition has been received by the committee, and the arguments advanced in that communication were of a general rather than a specific nature. A just criticism of the measure as originally introduced, which asserted that the bill would not allow the killing of predatory birds, has been recognized by the committee, and an amendment is now proposed which allows the shooting or killing of crows, Cooper hawks, sharp-shinned hawks, and great horned owls, when found destroying crops or poultry on various premises.

The committee also deemed it wise to reduce the penalty originally proposed from six months to thirty days. The committee are of the opinion that the enactment of this proposed legislation will result in no real hardship to any citizen of the District of Columbia, while the advantage to be gained in the freedom from accident from indiscriminate discharge of firearms within the territory of the District of Columbia will safeguard human life and property to a large degree, which is now impossible. Instances could be given where prowlers after the few game birds which are to be found within the District of Columbia have inflicted serious injuries upon persons and valuable animals, in which instances redress could not be obtained because of the irresponsible character of those who used the firearms.

For the reasons stated I hope the bill will pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CAMPBELL of Kansas, the title was amended by striking out the word "other."

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of bills on the Calendar reported from the Committee on the District of Columbia.

The question being taken on the motion of Mr. BABCOCK, Mr. WILLIAMS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 6, answered "present" 12, not voting 164, as follows:

YEAS—199.

Acheson	Brownlow	Darragh	Gilbert, Ind.
Adams, Pa.	Buckman	Davis, Minn.	Gillett, Mass.
Adams, Wis.	Burgess	Davis, W. Va.	Goebel
Alken	Burke, Pa.	Dawes	Graham
Alexander	Burton, Del.	Dawson	Granger
Allen, Me.	Burton, Ohio	De Armond	Grosvenor
Babcock	Butler, Pa.	Denby	Hale
Barchfeld	Calderehead	Dixon, Ind.	Hamilton
Bartlett	Campbell, Kans.	Draper	Hedge
Bates	Campbell, Ohio	Dunwell	Henry, Tex.
Beall, Tex.	Capron	Edwards	Heppburn
Bede	Clark, Fla.	Fassett	Hermann
Bell, Ga.	Clark, Mo.	Fitzgerald	Higgins
Bennet, N. Y.	Clayton	Floyd	Hinsaw
Bennett, Ky.	Cocks	Foss	Hogg
Birdsall	Cole	Foster, Vt.	Holliday
Bonyne	Cooper, Wis.	Fulkerson	Houston
Bowersock	Cousins	Fuller	Howell, Utah
Brantley	Croner	Garber	Hubbard
Brick	Crumpacker	Gardner, Mass.	Humphrey, Wash.
Brooks, Tex.	Curtis	Gardner, N. J.	Humphreys, Miss.
Brooks, Colo.	Cushman	Garner	Hunt
Brown	Dalzell	Garrett	Jenkins

Jones, Wash.	Macon	Richardson, Ala.	Sullivan, Mass.
Kelley	Madden	Richardson, Ky.	Sulloway
Kellher	Mann	Rixey	Sulzer
Kennedy, Nebr.	Marshall	Robertson, La.	Talbott
Kinkaid	Maynard	Rucker	Tawney
Klepper	Miller	Ruppert	Taylor, Ala.
Knowland	Minor	Ryan	Taylor, Ohio
Lacey	Mondell	Scott	Thomas, Ohio
Lafean	Moore, Tenn.	Shartel	Townsend
Landis, Frederick	Moore	Sherley	Underwood
Lawrence	Morrell	Sherman	Volstead
Lee	Mouser	Sibley	Wachter
Le Fevre	Mudd	Sims	Waldo
Lester	Murphy	Smith, Cal.	Wallace
Lilley, Conn.	Norris	Smith, Ill.	Wanger
Littauer	Olcott	Smith, Iowa	Watkins
Lloyd	Olmsted	Smith, Md.	Watson
Longworth	Otjen	Smith, Samuel W.	Wharton
Loud	Page	Smith, Tex.	Wiley, N. J.
Lovering	Palmer	Smyser	Williams
McCarthy	Parsons	Southwick	Wilson
McCleary, Minn.	Payne	Sperry	Wood, Mo.
McGavin	Pollard	Spight	Wood, N. J.
McKinlay, Cal.	Pou	Steenerson	Woodyard
McKinley, Ill.	Powers	Stephens, Tex.	Young
McKinney	Prince	Sterling	Zenor
McLain	Rhodes	Stevens, Minn.	

NAYS—6.

Adamson	Burleson	Johnson	Rhincock
Brundidge	James		

ANSWERED "PRESENT"—12.

Boutell	Gaines, Tenn.	Kline	Southard
Dickson, Ill.	Greene	Lilley, Pa.	Sparkman
Driscoll	Hull	Sheppard	Stanley

NOT VOTING—164.

Allen, N. J.	Flack	Ketcham	Rainey
Ames	Fletcher	Kitchin, Claude	Randell, Tex.
Andrus	Flood	Kitchin, Wm. W.	Ransdell, La.
Bankhead	Fordney	Knapp	Reeder
Bannon	Foster, Ind.	Knopf	Reid
Bartholdt	Fowler	Lamar	Reynolds
Beidler	French	Lamb	Rives
Bingham	Gaines, W. Va.	Landis, Chas. B.	Roberts
Bishop	Gardner, Mich.	Law	Robinson, Ark.
Blackburn	Gilbert, Ky.	Legare	Rodenberg
Bowers	Gill	Lever	Russell
Bowie	Gillespie	Lewis	Samuel
Bradley	Gillett, Cal.	Lindsay	Schneebell
Broussard	Glass	Little	Scroggy
Burke, S. Dak.	Goldfogle	Littlefield	Shackelford
Burleigh	Goulden	Livingston	Slayden
Burnett	Graft	Lorimer	Slemp
Butler, Tenn.	Gregg	Loudenslager	Small
Byrd	Griggs	McCall	Smith, Ky.
Calder	Gronna	McCreary, Pa.	Smith, Wm. Alden
Candler	Gudger	McDermott	Smith, Pa.
Cassel	Hardwick	McLachlan	Snapp
Chaney	Haskins	McMorran	Southall
Chapman	Haugen	McNary	Stafford
Cockran	Hay	Mahon	Sullivan, N. Y.
Conner	Hayes	Martin	Thomas, N. C.
Cooper, Pa.	Hearst	Meyer	Tirrell
Currier	Heflin	Michalek	Towne
Dale	Henry, Conn.	Moon, Pa.	Trimble
Davey, La.	Hill, Conn.	Murdock	Tyndall
Davidson	Hill, Miss.	Needham	Van Duzer
Deemer	Hitt	Nevin	Van Winkle
Dixon, Mont.	Hoar	Overstreet	Vreeland
Dovener	Hopkins	Padgett	Wadsworth
Dresser	Howard	Parker	Webb
Dwight	Howell, N. J.	Patterson, N. C.	Webber
Ellerbe	Huff	Patterson, S. C.	Weeks
Ellis	Hughes	Patterson, Tenn.	Weems
Esch	Jones, Va.	Pearre	Weisse
Field	Kahn	Perkins	Welborn
Finley	Kennedy, Ohio	Pujo	Wiley, Ala.

So the motion of Mr. BABCOCK was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SOUTHARD with Mr. HARDWICK.

For balance of day:

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

On this vote:

Mr. KAHN with Mr. HAY.

Mr. LOUDENSLAGER with Mr. SHACKLEFORD.

Mr. MCCALL with Mr. LIVINGSTON.

Mr. CASSEL with Mr. WILEY of Alabama.

Mr. BANNON with Mr. GILLESPIE.

Mr. FRENCH with Mr. PADGETT.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DALZELL in the chair, for the consideration of bills on the Calendar reported from the Committee on the District of Columbia.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up the bill (S. 1243) providing for compulsory education in the District of Columbia. The Clerk read the bill, as follows:

Be it enacted, etc., That every parent, guardian, or other person in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading,

writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under his charge and control to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term, or shall provide such child with equivalent daily instruction at home or elsewhere. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence that he has already been instructed a like period of time in the branches taught in the public schools, or that he has already acquired these branches of learning, or that his physical or mental condition is such as to render such attendance or instruction for the whole period required, or any part thereof, inexpedient or impracticable.

SEC. 2. That if any person having under his control a child, as described in section 1, shall neglect for three consecutive day sessions or six consecutive half-day sessions, within any period of five months to cause such child to attend school, a written notice shall be sent to him by an attendance officer, hereinafter provided for, informing him that the attendance of the child under his control is required at school within a period of three days. If such child is not excused as provided for in section 1, and is not in school within three days, prosecution shall be begun in the police court by the attendance officer against the parent or other person in control of the child, and upon conviction the parent or other person in control of the child shall be punished for each and every offense by a fine of not more than \$50 or by imprisonment not to exceed sixty days.

SEC. 3. That any child between the ages of 8 and 14 who is an habitual truant, who is willfully and habitually absent from school, or who is incorrigible, vicious, or immoral while in attendance upon school shall be committed to a special or ungraded school for instruction. The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school, and such children may be restricted to such schools for instruction until satisfactory evidence of improvement is presented by the teacher in charge for his restoration to a graded school in the district in which he resides.

SEC. 4. That for the purposes of securing a strict compliance with every provision of this act the board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint a number of persons, not to exceed seven, who shall be designated as attendance officers, and who shall each receive a salary for such services of \$600 per annum, and whose duties in the premises shall be prescribed by the said board.

SEC. 5. That no child in the District of Columbia under the age of 14 shall be employed by any person or persons to labor in any factory, workshop, mercantile establishment, or in any business whatsoever that will prevent such child from attending school during the days and hours of the school term, as determined by the board of education, or its equivalent, in private, parochial, or home instruction, as set forth in section 1, and any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than \$50 or by imprisonment for not more than sixty days.

SEC. 6. That attendance officers shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages.

SEC. 7. That any parent or other person who makes a false statement concerning the age or school attendance of a child between the ages of 8 and 14 who is under his control, such false statement being made with intent to deceive under this act, shall upon conviction thereof be punished by a fine not to exceed \$20.

SEC. 8. That if any parent or guardian shall be unable by reason of poverty to send the child under his control to school as provided for in this act it shall be the duty of the board of education to take such action as in its discretion may best promote the purpose of this act in the particular case.

SEC. 9. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. That this act shall take effect on July 1, 1906.

Mr. WILLIAMS. Mr. Chairman, do I understand that the italics in the bill are Senate amendments?

Mr. MORRELL. The italics in the bill are the amendments made by the House Committee on the District of Columbia. The bill has passed the Senate, and such portions of it as were changed by the House are stricken out and the words in italics inserted.

Mr. WILLIAMS. These are, then, House committee amendments?

Mr. MORRELL. Yes.

Mr. WILLIAMS. I notice that wherever the figure "8" occurs in the bill in connection with the age of the pupil, the age at which compulsory education is to begin, it has been changed by the House committee to "6." Everybody is in favor of compulsory education in the District of Columbia, but I am not in favor, in my own family or in any other, of forcing a child at the tender age of 6 years to the public schools. I do not think the law ought to make it compulsory on parents to send children at that age to school. My idea is that most children of that age ought to be spending their time in growing, playing, and in physical development, and I hope the committee will strike out the word "six," where it occurs in the bill in that connection, and will substitute for it either what the Senate had in the bill, "8," or put the age at 7, which might do very well as a compromise between the two positions.

Mr. Chairman, we are getting to the point now in some communities where we are taking the blessed little tots of five years

of age and sending them to the public schools to be nursed, not under the tender care of their mothers, but to be nursed by public officials on a salary, by school-teachers—strangers to them. I think it is absolute cruelty to children to send them to school at the age of 5 years, except in the case of an exceptionally well-developed child, and I would be bitterly opposed to making it compulsory on parents to send children of the age of 6 years to school.

Mr. MORRELL. In answer to the gentleman from Mississippi, Mr. Chairman, I would like to say that the reason the subcommittee on education changed the age to 6 was this: At the present time in the schools 20 per cent of those actually in school to-day are under the age of 8, and it was thought by the committee that if we are providing that all children of school age should go to school, we ought to provide for children below the age of 8; that there were probably the same proportion below the age of 8 not at school as there are now of that age in school.

Mr. WILLIAMS. That is my point; those at and below the age of 8 ought to be out of school, or below the age of 7 at any rate. The point I am making is that parents shall not be compelled to send children to school at either the age of 5 or 6. If a parent wishes to send to school his child who is only 5 years old, it is all right. Let him do it; but to say by law that the public arm shall reach into my household and make me send my child to school at 6 years of age, when I think it is too tender, physically or intellectually, to be thrown out of the household, is totally a different thing. The argument that there are children in the public schools who are 6 years of age or over 5 does not argue at all for the justice of the proposition that those who are not in the public schools who are at the age of 6 shall be made to go there.

Mr. MORRELL. The testimony of those who came before the committee was to the effect that a large number of children between the ages of 6 and 8 were practically allowed to run wild in the streets and were not taken care of by the parents, and it was for that reason that the committee inserted the word "six" instead of "eight." However, if the gentleman from Mississippi is disposed to prefer the age of 7 to the age of 6, I think the committee will be disposed to accept an amendment of that kind making the age 7.

Mr. WILLIAMS. I think 8 years is young enough for the age of compulsory education, although perhaps I might send one of my own children at the age of 7. I will move that wherever the word "six" appears in the bill that it be stricken out and the word "eight" be substituted for it.

Mr. OLMSTED. Would not the same thing be accomplished by voting down the committee amendment, as the bill reads "eight" now?

Mr. WILLIAMS. These are committee amendments since the bill was passed by the Senate?

Mr. OLMSTED. Yes.

Mr. WILLIAMS. Then, Mr. Chairman, we can accomplish the same result by voting down the committee amendment, and I will not offer the amendment. I hope, then, the committee amendment will be voted down.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORRELL. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Chairman, I notice that the House Committee on the District of Columbia recommends the striking out of section 8, which provides that a parent or guardian who shall be unable by reason of poverty to send a child under his control to school some provision shall be made by the board of education, so that he may comply with the law. I would like to be informed by the gentleman from Pennsylvania [Mr. MORRELL] if there is any law that will authorize the board of school directors or commissioners to meet cases of that kind, where the parent or guardian by reason of poverty is unable to dress and equip the child to attend the public schools. Is there any provision made for it?

Mr. MORRELL. In answer to the gentleman I will say that the reason that that section was stricken out was because there was no such provision, no law of any kind in existence by which the board of education could supply those necessities; but, on the other hand, the Associated Charities of the District are prepared to take up any and all cases of that kind. They so stated at the hearings, and not only were they willing to provide for the child, but also to provide for the parents of the child when through compulsory education or through the child not being allowed to labor under the child-labor law the parents were deprived of sources of revenue.

Mr. CRUMPACKER. I believe that the law should not only authorize but require the school commissioners to make provision to meet those cases. There may occasionally be a widow

who is so poor that she is unable to supply her child with proper clothing to go to the public schools, and yet she is subject to the penalties provided in this bill if her child does not attend school.

Mr. MORRELL. In view of the offer made by the Associated Charities and also in view of the fact that there was no fund at the disposal of the board of education for any such purpose, the committee thought it was unwise to allow that section to remain in the bill.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MORRELL. Yes.

Mr. BARTLETT. I desire to call the attention of the gentleman from Pennsylvania and the committee to the following language in the bill in line 3, wherein it recites "that every parent, guardian, or other person in the District of Columbia," etc. It occurs to me that the word "residing" should be inserted there so as to include those who reside in the District of Columbia. As it is now this law applies to those who may be here for only twenty-four hours or for a week.

Mr. MORRELL. If the gentleman considers that that would make the bill more plain, the committee will accept the amendment if he will make it.

Mr. BARTLETT. Does not the gentleman agree with me?

Mr. MORRELL. I agree with the gentleman. I will offer that amendment then that the word "residing" be inserted there before the word "in."

The CHAIRMAN. Amendments will be in order when the bill is read under the five-minute rule.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question. On page 2 of the bill it provides that if the superintendent of schools is made to believe that the child is going to some other school or that the physical or mental condition of the child is such as to render attendance or instruction impracticable he is excused. I would like to ask the gentleman if he thinks that the opinion of the superintendent of the schools—I do not care a straw who he is—as to the mental or physical condition of the child ought to be substituted for the opinion of the parent of the child?

Mr. MORRELL. Mr. Chairman, in answer to the gentleman, I would say that I think the superintendent of schools, upon evidence furnished to him by the parent, in the shape of either a doctor's certificate or a statement signed by the parent, would have then before him ample evidence upon which to base a judgment in any particular case. The reason for inserting the superintendent of schools was that there had to be some authority named in the bill whose opinion would be final, as far as cases were concerned.

Mr. SIMS. Mr. Chairman, I understand that the bill has not yet been read by paragraphs.

The CHAIRMAN. No. The gentleman from Pennsylvania [Mr. MORRELL] has the floor.

Mr. MORRELL. Does the gentleman from Tennessee desire to ask a question?

Mr. SIMS. I desire to make a few remarks on an amendment that I expect to offer, so that when it is offered I would not have to take up the time of the committee in explaining it.

Mr. MORRELL. I think the amendment which the gentleman has in mind has already been proposed by the gentleman from Mississippi [Mr. WILLIAMS], in regard to the age limit.

The CHAIRMAN. There have been no amendments as yet offered.

Mr. SIMS. In the committee I opposed the amendment changing from 8 years to 6, and gave notice that I would make this amendment at this time. I only wanted to explain my reasons for that, so that I would not be cut off by the five-minute rule.

The CHAIRMAN. How much time does the gentleman want?

Mr. SIMS. I want to be recognized in my own time.

The CHAIRMAN. The gentleman from Pennsylvania has the floor now. Does the gentleman yield?

Mr. SIMS. Oh, Mr. Chairman, I do not wish him to yield. I thought he was through. I want the floor in my own right.

Mr. GAINES of Tennessee. As the gentleman has not yielded the floor, I would like to ask him a question myself. It seems from what I gather from the debate that the proposed law is rather stringent and more or less compulsory. Will the gentleman tell the committee whether or not Pennsylvania has any such law or any other State; and if so, what has been the effect of it; how has it operated?

Mr. MORRELL. In answer to the gentleman from Tennessee, there are only thirteen States to-day in the Union that have not a compulsory education law.

Mr. GAINES of Tennessee. How many?

Mr. MORRELL. Thirteen that have not compulsory education. In fact, to-day by the later reports the only States that

have no compulsory education laws are Alabama, Alaska, Delaware, Florida, Georgia, Louisiana, and Mississippi. Those are the only States, together with the District of Columbia, that have not compulsory education laws. All the other States have.

Mr. GAINES of Tennessee. I know the State of Tennessee has no such law, or if it has it is very recent.

Mr. MORRELL. Tennessee has a partial compulsory law.

Mr. GAINES of Tennessee. Our people do not have to be made to go to school. The children of Tennessee go to school when they get a chance, and we have good schools, too; but what I want to get at—

Mr. MORRELL. I may say to the gentleman from Tennessee that in his State there are three counties which have elected for compulsory education. What the names of those counties are I have forgotten, but in the gentleman's own State, where these matters are controlled by an election by counties, there are three counties in the State of Tennessee that have elected for compulsory education. That is the reason I did not include it among the States that did not have compulsory education.

Mr. FITZGERALD. I wish to inquire of the gentleman how his committee determined it would require seven attendance officers?

Mr. MORRELL. The committee have an amendment which we propose to offer in connection with that section, and to save time I will send it to the Clerk's desk and ask to have it reported.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of \$600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court, shall, under direction of the board of education, carry out the provisions of this act.

Mr. FITZGERALD. Is it the intention of the committee to offer that amendment?

Mr. MORRELL. That is the intention of the committee, in view of the criticisms which were made by the members of the Appropriations Committee in regard to the officers carried in these bills and the extra appropriation made necessary thereby; and it was the thought of the committee that two attendance officers, together with the officers provided in the juvenile-court bill and the officers provided in the child-labor bill, would be sufficient to carry out the provisions of this bill. Therefore this bill only carries with it an appropriation of twelve hundred dollars per annum.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman tell the committee why it is that in the District of Columbia, that is not a manufacturing city, that has no cotton fields nor cornfields nor anything of that kind, no conditions to force or to attract children to stay from school, why is it in this city of affluence and ease you have to have this drastic provision of law and men deputized to gather up the children and drag them off to school? Now, why do you have to have such a drastic law as that in this city?

Mr. MORRELL. It is rather difficult to explain why children do not care to go to school, and it is also difficult sometimes to explain why parents will not force children to go to school; but the fact none the less remains that there are some six thousand and over children to-day in the District of Columbia who do not attend school, and with a compulsory-education law the committee was of the opinion that those children could be forced to attend school rather than to be roaming around the streets, and to enforce the law it was necessary to have some officers to carry out the provisions of the law.

Mr. GAINES of Tennessee. Do they have similar officers in States where they have compulsory education?

Mr. MORRELL. Yes, sir; they have similar officers where compulsory-education laws exist.

Mr. GAINES of Tennessee. Well, how does the law operate in this respect; how does it work?

Mr. MORRELL. It works well in every State where it has been tried. I have abundant letters here to that effect from States where it has been an experiment.

Mr. GAINES of Tennessee. I wish you would read one from Tennessee, if you have it.

Mr. MORRELL. I have not one from Tennessee.

Mr. GAINES of Tennessee. The gentleman is mistaken about Tennessee having a compulsory-education law. The gentleman may think that possibly it would benefit my State, but I want to say, sir, that we do not have to be compelled to do right in Tennessee, or to go to school, or anything of that sort.

Mr. MORRELL. I am quite sure of that, and that Tennessee

always does right of itself. Mr. Chairman, I would like to have the bill read by sections, and I move that general debate be now closed.

Mr. SIMS. Mr. Chairman, as a member of the committee, I want a few minutes in general debate to explain an amendment that I have offered.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman, this is a Senate bill. As it came from the Senate it provided that it should be applicable only to children after reaching the period of 8 years, but the House committee amended it, over my humble protest, so as to make it 6 instead of 8 years. I notified the committee at the time that I should, in the House, offer an amendment restoring it to 8 years, as it passed the Senate. And I am seriously in earnest in the advocacy of said amendment.

The object of a compulsory-education law in part is to prevent parents from placing their children out for wages and to prevent them from being employed in remunerative effort instead of attending school. Now, a child only 6 years or 7 years old is too young to labor at remunerative employment. There would be no temptation on the part of parents who are mean enough to do such a thing, to hire their children out at the age of 6 and 7 and keep them away from school, from the fact that they are too young to be employed. Now, then, there is a further fact that at the age of 6 or 7 many children are too poorly developed physically and mentally and too weak to be forced to attend school under legal requirements, and you would find hundreds, if not thousands, of parents that would be subjected to the fine and would pay it rather than to have a 6-year-old child torn from parental care and placed under the charge of truant officers. I do not remember, but there may be a few, though very few, States in the Union where the limit is as low as 6 years, but there are not a great many where the limit is as low as 6 years, and there are not a great many where the limit is 7.

But, as was mentioned in an argument a few moments ago, there are few factories here; there are few opportunities where you could employ children at remunerative labor who are so young as 6 and 7 years old. And I think it would be downright cruelty and tyranny to take from the parental control a little 6-year-old or 7-year-old girl and put her into school and fine the parents and imprison them if they did not so part with her. It is true they may be excused upon the report of the superintendent and with his consent, but I am opposed in this free land of ours to make it necessary for any man or woman to say whether my child, 7 years old, shall be dragged off and put to school or not. I have a little girl 7 years old that on account of diminutive development is too small to send to school, and I would pay almost any kind of a fine or submit to almost any kind of imprisonment before she should go, and yet the officer who would have the right to excuse me might differ with me regarding it. And inasmuch as the object and purpose of the bill is largely to prevent the employment of children from 14 years old to such a scale down as they can be employed at remunerative labor, I ask the House to vote with me in restoring the age to 8 years, as it was provided in the bill when it passed the Senate and came to the House.

Now, I know that on District days it is very hard to get the attention of the House. Members usually either think the legislation coming from the committee is so bad that it only needs to be killed or so unimportant as to not require attention. I appeal to you in behalf of the little children 6 or 7 years old in the District of Columbia, as well as their parents, to vote with me when the motion is made to restore the age to 8 years in the bill. I shall not use further time, Mr. Chairman.

Mr. MORRELL. Mr. Chairman, I move that further debate cease, and that the bill be now taken up under the five-minute rule.

The CHAIRMAN. Without objection, the Clerk will proceed to read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Brooks of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. ELKINS, Mr. CULLOM, and Mr. TILMAN as the conferees on the part of the Senate.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That every parent, guardian, or other person in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under his charge and control to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term, or shall provide such child with equivalent daily instruction at home or elsewhere. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence that he has already been instructed a like period of time in the branches taught in the public schools, or that he has already acquired these branches of learning, or that his physical or mental condition is such as to render such attendance or instruction for the whole period required, or any part thereof, inexpedient or impracticable.

The amendments recommended by the committee were read, as follows:

Page 1, line 5, strike out "eight" and insert "six."

Page 1, line 10, strike out "his" and insert "the;" also insert after the word "control" the words "of such person."

Page 1, lines 14 and 15, strike out the comma after the word "term," in line 14; also strike out all commencing with the word "or," in line 14, down to and including the word "elsewhere," in line 15.

Page 2, line 6, insert after the word "evidence" the words "to the superintendent of schools;" also strike out the word "he" and insert the words "such child is being or;" also strike out the word "already."

Page 2, line 8, strike out he word "he" and insert the words "such child;" also strike out the word "already."

Page 2, line 9, strike out the word "his" and insert the word "the;" also insert after the word "condition" the words "of such child."

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The paragraph has not yet been finished.

Mr. WILLIAMS. This is a matter of order. I have been informed that the Clerk is not reading the original bill, but is reading the bill with the committee amendments that are proposed to be offered later.

The CHAIRMAN. The Clerk has already read the bill and is now reading the first section, with the amendments recommended by the committee.

The Clerk read as follows:

Page 2, lines 10 and 11, strike out the words "for the whole period required, or any part thereof."

Page 2, line 12, strike out the word "his."

Mr. MORRELL. Mr. Chairman, on page 1, line 3, I desire to offer an amendment; insert after the word "person" the word "residing;" so that the line shall read:

That every parent, guardian, or other person residing in the District of Columbia.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania will be considered as pending. The question is on agreeing to the committee amendments.

Mr. SIMS. There are several committee amendments on the page that I agree to except one.

Mr. WILLIAMS. Let us have a separate vote on the amendments.

Mr. SIMS. On line 5, where it strikes out the word "eight" and inserts the word "six," I want to vote on that separately.

Mr. WILLIAMS. I want each committee amendment to be voted on separately.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "eight" and insert "six."

Mr. WILLIAMS. Upon that amendment I have already spoken to the House. This amendment I hope will be voted down.

Mr. BROOKS of Colorado. Mr. Chairman, I wish to address myself to that amendment for one moment. I am thoroughly in sympathy with this bill, and I think there is no member of the committee or proponent of the measure more heartily in sympathy with its purpose than I am. I am just as earnest that the committee amendment shall not prevail—that is to say, I hope that the bill may pass just in the shape it left the Senate so far as the limit of age is concerned. I think the committee in their rather pardonable desire to remove the stigma which has hitherto rested upon this city because of the fact that thus far we have had no such legislation, have gone further than prudence and the best educational standards would indicate. Legislation of this sort is the result of the combined effort and experience of educators all over this country, and I think that this committee might well follow that experience. It is a significant fact, therefore that in all the thirty-six States and Territories of this Union that have legislation of

this kind there is only one that has the compulsory age as low as that in this bill. That is Wyoming; and even there there is no penalty attaching until you reach the age of 7. I thoroughly believe that if this bill passes with this amendment in this form very much of beneficial results sought to be accomplished by this legislation will be defeated, the whole object will be thwarted, and the measure will be made inoperative, impracticable, and difficult of enforcement. I believe the committee in their report have failed to distinguish between legal or permissive age and compulsory age, when in one place they say that in a great number of States the legal age is 6 years. That is true enough; but it is not at all the legal age in the sense that it is used here as synonymous. It is only the age at which the child may avail himself of the privilege of the public school, and not the time when the child shall attend some school and attend under compulsory provisions.

Now, I understand from the remarks of the gentleman from Pennsylvania that the class of children sought to be helped by this provision are the children of the negligent and unintelligent poor, and this limit is believed to take care of that class; but there is another class just as large and just as much entitled to consideration at the hands of the committee as are these, and that is the large class of children of a very different sort of parents, who attend the public schools and, for one reason or another, are obliged to avail themselves of these privileges, and it is for these I am pleading now. They certainly should not be required to attend school at the age of 6 years.

Now, the committee in their report state that when we would raise the limit of compulsory attendance to 8 years we are taking away one-fourth of the educational privileges of the child. That is entirely a mistake from my point of view.

Speaking generally, the first two years of school life, from 6 to 8, are of very little value from an educational point of view, when you consider, as this committee seem to have done, principally the amount of actual knowledge acquired. It is not true, therefore, that taking off those two years takes away a quarter of the child's educational advantages. Those years, on the other hand, from a physical and moral point of view, and from the point of view of character building, are priceless. The child at that time has many physical limitations which incapacitate him often for regular and continued school work. His mind is like a plastic piece of wax. It will take any impression and retain it, and there are a thousand reasons why a great many children at that time of life ought not to be required to attend the public schools, or any other schools, for that matter, particularly if there is to be injected into the public schools at that period the element so graphically set forth in the appendix to the committee's report.

It ought to be left entirely to the good judgment and sound common sense of the parents. It is absolutely no answer to say that the parent is not obliged to send his children to the public schools, but that a private or parochial school may be substituted. This modification does not reach that most worthy class for whom I am speaking, and they are the ones who, in my judgment, should receive the greatest consideration—those who, as I have said before, are *obliged* to send their children to the public schools. It would be somewhat different if this were a country town or a smaller and different community; but what the committee must consider are the conditions as they exist here. In my judgment, it would be a terrible hardship and a crime against childhood to require every child, indiscriminately, at the age of 6, to attend the public schools unless the parent is able to send him to some private or parochial school. It is not that I am against the public schools. I believe in them. I am heartily in favor of them. I think they supply an element in the child's training which can be gotten in no other way, and an element, too, of very great value; but that is not saying that every child, regardless of conditions, should attend the public schools unless it can attend a private school. In the interest of the bill, therefore, and in the interest of the purposes sought to be advanced by the bill, I hope that it will be left as the Senate left it—not at 7 years; do not let us compromise on this, but put it where it belongs and let it stay at 8 years.

Mr. SIMS. If the amendment changing "eight" to "six" is voted down, that restores the text of the bill at 8 years?

The CHAIRMAN. Yes.

Mr. SIMS. Then I hope the committee amendment will be voted down.

The question being taken, the committee amendment was rejected.

Mr. SIMS. Mr. Chairman, I will ask the gentleman from Pennsylvania if he will agree that wherever the same committee amendment occurs, changing "six" to "eight," that amendment may be considered as disagreed to.

Mr. MORRELL. I agree to that.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that wherever the same amendment occurs, it may be considered as disagreed to.

Mr. SIMS. Yes.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

The Clerk read the following committee amendment:

On page 1, in line 10, strike out "his" and insert "the;" also insert, after the word "control," the words "of such persons."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 2, lines 1 and 2, strike out "or shall provide such child with equivalent daily instructions at home or elsewhere."

Mr. WILLIAMS. Mr. Chairman—

Mr. BARTLETT. Mr. Chairman, as I understand this amendment, it proposes to strike out the provision that the child may be taught at home or sent to school elsewhere. The Senate bill provides that the child shall be sent to school in the District of Columbia, or shall be provided with equivalent instruction at home or elsewhere. Now, this committee have reported in favor of striking out the words "or shall provide such child with equivalent daily instruction at home or elsewhere," which means elsewhere than in the schools of the District of Columbia.

Mr. MORRELL. If the gentleman will look a little further down in that paragraph he will see that that is already provided for in lines 8 and 9. Beginning at the top of the paragraph, in line 6, it says:

A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been instructed a like period of time in the branches taught in the public schools, or that such child has acquired these branches of learning.

It was for that reason that the committee thought those provisions were unnecessary.

Mr. OLMSTED. I should like to ask my colleague what he means by the phrase "a like period" in the words he has just read?

Mr. MORRELL. That refers to the duration of the term of the public schools—the public school term.

Mr. BARTLETT. But it occurs to me that this bill would compel the sending of a child to school in the District of Columbia if you took out the words "at home or elsewhere."

Mr. MORRELL. That was not the intention of the bill or those who framed it.

Mr. BARTLETT. It seems to me that the language is not clear.

Mr. MORRELL. It would be very easy for the careless parent of a child to make some excuse and say that the child had been instructed. Now it brings the responsibility up to the superintendent of schools. That was the reason why that provision in lines 1 and 2 was stricken out.

Mr. FITZGERALD. This language that it is proposed to strike out is intended to cover the cases of children who are instructed by private tutors, is it not?

Mr. MORRELL. It is already covered by the provision farther on in the paragraph.

Mr. FITZGERALD. This language is intended to cover such cases?

Mr. MORRELL. Yes.

Mr. FITZGERALD. Under the language to which the gentleman calls attention, later in the paragraph, the evidence must be that the child "is instructed a similar period of time in the branches taught in the public schools."

Mr. MORRELL. Yes.

Mr. FITZGERALD. Now, it may be that a child being instructed by private tutors would have a course of study outlined that would differ from the curriculum of the public schools, and under the language of the bill evidence of that instruction would not be sufficient to excuse the child from attendance on the public schools.

Mr. MORRELL. I think that would be within the province of the superintendent of schools to determine, as to the character of the education which the child was receiving.

Mr. FITZGERALD. If that be the intention, I think it is proper. The language of the bill is, "has been instructed a like period of time in the branches taught in the public schools." If it be intended to confine this instruction to the curriculum of the public schools, it would prevent those cases where it is desired to have private instruction instead of instruction in schools unless the instruction is in the identical studies of the public schools.

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman a question. The language is "a child be-

tween the ages aforesaid may be excused from school attendance or instruction on presentation of satisfactory evidence that such child is being or has been instructed a like period of time in the branches taught in the public schools." Now, assuming that the parent of a child 9 years old brings a certificate to the superintendent proving that between the ages of 6 and 8 the child was instructed for two years, is not thereafter such child excused from the operation of the compulsory education law? I know that such was not intended, but that is the way it works out.

Mr. MORRELL. I do not understand the gentleman's question.

Mr. BENNET of New York. This bill reads that—

Between the ages aforesaid the child may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been instructed a like period of time in the branches taught in the public schools.

Mr. MORRELL. Read on:

Or that such child has acquired those branches of learning.

The bill does not say that it must acquire those branches of learning within the specified time, but it provides farther on that the child must have acquired those branches of learning.

Mr. BENNET of New York. That is exactly my criticism; the language is indefinite. It either means that the child who has been for a few months in school and acquired some knowledge can be excused, or, if it does not mean that, it means that he has fully acquired those branches, and it can mean nothing in between. There is absolutely no way provided under this language for getting the child excused from school attendance.

Mr. MORRELL. Not at all; it simply provides that the child should be instructed during certain periods of time mentioned in the bill, if the child has not previous to that time acquired the branches of learning specified.

Mr. BENNET of New York. That would be all right if the bill said it, but it does not.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and the committee amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 6, after the word "evidence," insert "to the superintendent of schools."

The amendment was considered and agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 8, strike out the word "he" and insert the words "such child is being or."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 9, strike out the word "already."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 11, strike out the words "he" and "already," and in place of the word "he" insert the words "such child."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 12, after the word "that," strike out the word "is" and insert the word "the."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

On page 2, line 12, after the word "condition," insert the words "of such child."

The amendment was considered and agreed to.

The Clerk read the next amendment, as follows:

In line 13, after the word "instruction," strike out the words "for the whole period required or any part thereof."

The amendment was considered and agreed to.

Mr. OLMSTED. Mr. Chairman, I wish to offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORRELL] has an amendment already pending, which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, after the word "person," insert the word "residing."

Mr. BENNET of New York. Mr. Chairman, I want to be heard in opposition to that amendment.

Mr. MORRELL. Mr. Chairman, the attention of the committee was called to the fact that it would be necessary to insert the word "residing," inasmuch as otherwise it would simply cover everybody in the District and not those only who were residing in the District. For that reason the committee suggested the word "residing" be inserted after the word "person."

Mr. GAINES of Tennessee. It is to exempt persons who come here to spend the winter only.

Mr. BENNET of New York. It seems to me, Mr. Chairman, in

that the gentleman from Pennsylvania has used the wrong word. He should have used the word "domiciled" instead of "residing." All the army of Government clerks do not take up a residence, but they become domiciled here; they retain their residence in the State or Territory from which they come. And it also seems to me that the amendment suggested is in the wrong place. What the gentleman would provide, I think, is for control over the child in the District, and not particularly over the parent, and I think the amendment ought to come in on line 4, after the word "child." I move, as an amendment to the amendment, to strike out the word "residing" and insert in lieu thereof the word "domiciled."

Mr. PALMER. That would cover a Member of Congress, then.

Mr. MORRELL. If the gentleman thinks that the word "domiciled" would cover the situation better than the word "residing"—

Mr. PALMER. I do not think it covers it better than the word "residing." If you put in the word "domiciled," that will cover a Member of Congress.

Mr. BENNET of New York. Mr. Chairman, if this law is of any effect, we ought to be perfectly willing to take its effect on ourselves as well as to impose it on others in this District. If we do not send our 8-year-old children to school, we ought to be subjected to punishment, if it is our judgment that children 8 years of age ought to be sent to school. Of course the word "domiciled" covers everyone domiciled in the District. The word "residing" omits too many, and if we want to make this law effective, so as to cover the moderately well to do as well as the poor, we ought to put in a word that will do it, because in the peculiar conditions existing here the word "residing" omits too many, and I think the amendment to the amendment ought to prevail.

Mr. CLARK of Missouri. Mr. Chairman, what is the amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, after the word "person," amend by inserting the word "residing."

Amend the amendment by substituting the word "domiciled" for the word "residing."

Mr. BENNET of New York. I am perfectly willing that this amendment to the amendment should cover myself. I have two children attending the public schools, and I think if I do not send my children over 8 years of age to school I ought to be punished just as much as some man in some part of the District to whom it is a monetary hardship to send his children to school. I am willing to take pot luck with the rest.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from New York.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 9, page 2, after the word "been," the words "within said year;" so that it shall read: "Such child is being or has been within said year instructed," etc.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That if any person having under his control a child, as described in section 1, shall neglect for three consecutive day sessions or six consecutive half-day sessions, within any period of five months to cause such child to attend school, a written notice shall be sent to him by an attendance officer, hereinafter provided for, informing him that the attendance of the child under his control is required at school within a period of three days. If such child is not excused as provided for in section 1, and is not in school within three days, prosecution shall be begun in the police court by the attendance officer against the parent or other person in control of the child, and upon conviction the parent or other person in control of the child shall be punished for each and every offense by a fine of not more than \$50 or by imprisonment not to exceed sixty days.

With the following committee amendments:

Page 2, line 16, strike out the word "his;" and in line 20 strike out the word "him" and insert the words "such person;" in line 22 strike out the word "his" and insert the word "the;" and after the word "control," in line 22, insert the words "of such person."

Page 3, line 4, strike out the word "fifty" and insert the word "twenty;" and strike out all after the word "dollars" in line 5.

The CHAIRMAN. Is a separate vote demanded on any of these committee amendments in this paragraph? If not, the

vote will be taken in gross. The question is on agreeing to the committee amendments.

The question was taken; and the amendments were agreed to. Mr. MORRELL. Mr. Chairman, I have another amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 1, strike out, after the word "by," the words "the attending officer" and insert in lieu thereof the words "an officer empowered under this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to. Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 17 and 18, strike out the words "consecutive;" and in line 18 strike out the word "consecutive."

Mr. SHERLEY. Mr. Chairman, the purpose of the amendment is simply this, that if the staying away from school should be cause for notice and for penalty in case the absence of the child is not explained, it ought to apply where the absence occurs whether it is consecutive or otherwise. Under the wording of this bill, if a child is kept away from school every other day during an entire month, no notice is sent and no action taken. The absence has to be consecutive.

Mr. MORRELL. Mr. Chairman, I think the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and the amendment was agreed to. Mr. CRUMPACKER. That word occurs twice in the same connection.

Mr. SHERLEY. The amendment also related to both words, and was so stated to the Chair.

The Clerk read as follows:

SEC. 3. That any child between the ages of 8 and 14 who is an habitual truant, who is willfully and habitually absent from school, or who is incorrigible, vicious, or immoral while in attendance upon school, shall be committed to a special or ungraded school for instruction. The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school, and such children may be restricted to such schools for instruction until satisfactory evidence of improvement is presented by the teacher in charge for his restoration to a graded school in the district in which he resides.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of this committee or somebody else who knows, if anybody does, who is to determine, in lines 8 and 9, when a child is incorrigible or vicious or immoral while in attendance upon school?

Mr. MORRELL. I presume at first that information would come from the teacher in charge of the school, and then from the school principal up to the supervising principal, who reports such cases. The object of this section, Mr. Chairman, was to provide separate classes and separate schools when children were found to be destroying the discipline of the school or the discipline of the class. It is very hard to maintain a school or a class at a high standard if children who are habitually incorrigible are allowed to remain in the class. It was the thought of the superintendent of schools, and the committee agreed, that these children should be, if possible, segregated into classes by themselves, or, if necessary, into a school building by themselves.

Mr. CLARK of Missouri. Well, I would like to know, as a matter of curiosity, who it was who suggested the third section and the peculiar verbiage of it. It must have been some old maid or some old bachelor, who never had any children and did not know anything about it.

Mr. MORRELL. I do not know the exact home relations of the gentlemen who framed this bill. The bill, I understand, was drawn by the Commissioners of the District of Columbia, together with the superintendent of schools, and was submitted to and passed the other end of the Capitol, where I am quite sure there are some gentlemen who have home relations and have some children at home, and the verbiage here seems to have met with their approval, or, at least, there was no comment on it.

Mr. SIMS. I suggest that if some Senator drew this bill the House is relieved.

Mr. CLARK of Missouri. Mr. Chairman, if the Senate did draw this bill, section 3 must have been drawn by some Senator who is so old that he not only has forgotten he was ever a boy himself or has forgotten that anybody else has any boys. I want to express my opinion about some words in here. You take it altogether and section 3 is a pretty tough section. There

is a part of it whose meaning can be determined definitely, and I do not have any objection to that part.

That any child between the ages of 8 and 14—

Of course we are going to make it 8—

who is an habitual truant—

Now, that is a fact which can be ascertained, and I do not object to that—

who is willfully and habitually absent from school—

That is another fact which can be ascertained.

or who is incorrigible.

Incorrigible about what? Incorrigible means incurable. Who is to determine whether the boy or girl is incorrigible?

You get some doctrinaire hold of it or some faddist and any boy in the country who has energy enough in him ever to become a good and useful citizen of the Republic would be pronounced incorrigible by them. Macaulay said that "Sir Robert Walpole was avaricious of power," and so is everybody else that I have ever clapped my eyes on in this world, school-teacher as well as anybody else. But to return to section 3. "Vicious," of course, is a word whose meaning can be more easily ascertained, but who is going to pronounce whether a child is "vicious" or "immoral?"

While in attendance upon school, shall be committed to a special or ungraded school for instruction.

Who is going to run that school?

The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools, to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school.

Why, Mr. Chairman, every legislator in every State in the Union who has at heart the love of the human race has been trying for twenty-five years to get away from the idea of herding all sorts and all degrees of criminals in the same institution, because you take those who are criminal only to a small extent and put them in a criminal school of instruction with those who are seasoned in crime and the persons who are very little criminal in the beginning come out finished criminals. Now, we do not want to go to the extreme in this bill of doing more harm than we do good.

Mr. CRUMPACKER. Will the gentleman from Missouri [Mr. CLARK] allow me to ask him what he would do with an incorrigible student, one that is immoral or vicious—keep him in the regular school to demoralize the other students, or have a special school for the education and instruction of that class of boys, or turn him out altogether?

Mr. CLARK of Missouri. No; I would not turn him out.

Mr. CRUMPACKER. What would the gentleman do? What provision would he make?

Mr. CLARK of Missouri. If we could not do anything else with him, I would send him to a reform school, or I would segregate him and give him his punishment that way.

Mr. CRUMPACKER. This bill provides for segregation.

Mr. CLARK of Missouri. I want you to tell me now, while you are asking me a question—I am not very much of a Yankee, but I will be enough of a Yankee to do that—what do you mean by a boy being incorrigible, as stated in this section 3?

Mr. CRUMPACKER. A boy that is incapable of correction. I think the gentleman from Missouri [Mr. CLARK] misunderstands the word "incorrigible." It is found in nearly all of the statutes of the country and used in the same sense that it is used here, namely, incapable of correction.

Mr. OLMSTED. If the gentleman from Missouri will permit me, in order that he may not be compelled to go to school under the bill, I want to read him from the dictionary.

Mr. CLARK of Missouri. Who made the dictionary?

Mr. OLMSTED. It is the International Dictionary.

Mr. CLARK of Missouri. I can make a dictionary as well as that fellow can. [Laughter.]

Mr. OLMSTED. One of the definitions here is:

Incorrigible. Depraved beyond the possibility of reform; irreclaimable; as an incorrigible criminal or drunkard.

Mr. CLARK of Missouri. That does not differ from mine. The gentleman from Indiana refuses to answer, so I want to ask you who is going to pronounce when this boy is incorrigible, under this section 3?

Mr. OLMSTED. I am in entire sympathy with the gentleman from Missouri [Mr. CLARK] on this section. I do not approve of it at all.

Mr. CLARK of Missouri. And I want to say about dictionaries, in general, Mr. Chairman, that I or any other intelligent man in this country has just as much right to make a dictionary as these scholars up in the northeast corner of this Republic. [Laughter.] And I have never been able to understand yet why

the northeasterners possess the exclusive right to make a dictionary for the rest of the United States. [Laughter.] If you do not take the word "incorrigible" out, I am going to move to strike out the whole section.

Mr. MORRELL. In answer to the gentleman from Missouri I would like to say that every school system almost in this country has separate classes and separate schools for children of this kind. It has been the experience of educators that to allow children who do not seem to be susceptible to the good influences that are put around them to remain in classes and schools, and, as it were, vitiate the other children in the schools and classes, is very bad practice. The plan to segregate children of this kind has been tried in New York; in fact, they have two schools there where children such as are described, or such as has been attempted to be described, in this bill, are placed when they are found, after the reports of the teachers and principals of the schools, to be such that they can not be handled, and are not susceptible of discipline, are not even willing to make an effort to learn, and that the association with such children has a bad influence on the other children in the school.

Now, let me ask the gentleman this—and I understand he has children of his own going to school here—would he like his children to be forced to associate with a boy or girl, as the case might be, whom the teachers and principals had tried in every possible way, but without success, to make conform to the discipline and regulations in that school? Would he like his children to be forced to come under the influence of that kind of child or children?

Mr. CLARK of Missouri. No; I would not. Now, let me ask the gentleman a question.

Mr. MORRELL. It was just simply on that account, particularly in view of this compulsory-education law, which forces all sorts and kinds of children to the schools who would not otherwise be there, those whose very nature would keep away from school, that it was thought by the committee that there should be a separate class of schools or separate classes, for not only those children, if they proved to be incorrigible or not susceptible of education, but also children who are already in the schools and had not responded to education and discipline.

Mr. CLARK of Missouri. Did we not pass a statute here not long ago establishing a reform school?

Mr. MORRELL. That was a juvenile court.

Mr. CLARK of Missouri. Is not there a reform school in the District of Columbia?

Mr. MORRELL. Yes; there is a reform school.

Mr. CLARK of Missouri. What is the reason, then, these children you are talking about in section 3 ought not to be sent to the reform school?

Mr. MORRELL. Because they have to be convicted of some specific crime in order to be sent to a reform school.

Mr. CLARK of Missouri. Oh, that is not the case.

Mr. MORRELL. And further than that, in line with the gentleman's argument in regard to the criminal practice, it was not thought advisable to vitiate them further by sending them to reform schools unless they were absolutely so bad that school discipline could not bring them into some kind of shape.

Mr. CLARK of Missouri. I move to strike out section 3.

Mr. SIMS. I wish to make the same motion.

Mr. STANLEY. I move to strike out the last word.

Mr. CLARK of Missouri. I withdraw that motion temporarily.

Mr. STANLEY. I move to strike out the last word. I think the answer to the argument that has been made in favor of the provision of this section should be in the nature of a reductio ad absurdum. This bill provides that if a child between 6 and 14 years is habitually absent from school, and so on, and provides in other words, that if the teacher finds this 6-year-old child is habitually criminal, incorrigible, and vicious, that this 6-year-old child can be taken and segregated and placed in a separate room among other 6-year-old children equally as bad, or 8-year-old children. There is your doctrine of total depravity from the time you are born, with a vengeance. Any kind of a teacher that can not control any 6-year-old child ought to be segregated instead of the child. The idea of placing it upon the records of your schools, of affixing such a stigma as that placed upon a child—for it is a stigma—to take a little tot of that age to a kind of penitentiary, or placing that stamp upon it to stay there all through its life because some hysterical old maid can not control it, is an abomination.

I have taught school, and know something of the practical side of this business, and I never yet saw a 6 or 8 year old child so incorrigible as even to find it necessary to strike it, and I have taught hundreds of them. If it be determined that in the District of Columbia you have got a number of

children under the age of 10 who have to be confined in a petty penitentiary, then you should have a feeble-minded institute for the benefit of the teachers who can not control children without resorting to such barbarous methods. [Laughter and applause.]

Mr. MORRELL. Mr. Chairman, I understand that the objection made by the gentleman from Missouri will be withdrawn if the committee will agree to strike out the word "incorrigible."

The CHAIRMAN. There is no amendment pending.

Mr. MORRELL. I think the gentleman from Missouri moved to strike out the whole section.

The CHAIRMAN. He withdrew that motion.

Mr. FITZGERALD. I desire to submit an amendment.

Mr. SIMS. I have been recognized, and I would like to discuss it before I am amended off the floor.

Mr. CRUMPACKER. What is the amendment pending?

The CHAIRMAN. A motion to strike out the last word.

Mr. SIMS. Mr. Chairman, we will be confronted with the difficulty growing out of the very fact of compulsory education that you compel by penal statute all children from 8 to 14 years to attend school, threatening the parents with fine and imprisonment if they do not send their children, and they must go without reference to their morals and behavior. We are forcing an element into the schools, if such exists, that would practically destroy the schools. If it is a private school, the teachers and authorities have charge of it and can dismiss or expel such a student.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. CLARK of Missouri. Have the superintendents of the schools no machinery for enforcing order, including reasonable punishment?

Mr. SIMS. This bill is all I am discussing; I do not know what is done outside of what appears in this bill. But this bill is a penal statute, forcing children between 8 and 14 years to attend school, and the teachers and authorities in charge of the schools can not refuse to take them, unless based upon some ground authorized by law. Whether it is properly described in this section or not, I do not know. I am not wedded to the section. But there must be authority somewhere, it seems to me, to separate and segregate a boy of 13 or 14 years, or a girl, whose conduct in school is such that he or she is not worthy of association with the pupils; and if the teacher has no power to expel them, we must provide some means by which proper discipline can be maintained.

Whether this is a proper method or not I do not know. I was not on the subcommittee that considered the bill. But they are not private schools or ordinary public schools when we make it penal not to attend them. The teachers must accept pupils; and if for one reason or another it is ascertained by the teacher in charge of these boys or girls that they can not be kept in school, we must provide a means by which such children can be removed from school, whether they are put in a separate room, as here provided, or a separate reform school. There must be some provision in this bill by which discipline can be maintained when such an emergency arises as is intended to be covered by this statute.

Now, I admit that it is pretty hard to say that a teacher can send a child out of the public schools provided by law without any trial, or anything of that kind, or can segregate them and send them to a reform school; but something will have to be done when you make it penal. There must be some legal way by which the teacher or the authorities in charge of the school may determine whether or not they may be kept in that school, sent home, or sent elsewhere. If this section is stricken out, there ought to be something put in that will meet the objects and purposes for which the section was introduced.

Mr. MORRELL. I hope the gentleman from Missouri will not press his amendment.

Mr. CLARK of Missouri. I withdraw the amendment to strike out the whole section.

Mr. FITZGERALD. Mr. Chairman, I have an amendment, which I send to the desk.

The Clerk read as follows:

Strike out, on page 3, lines 8 and 9, the words "who is incorrigible, vicious, and immoral while in attendance on the school;" and strike out, in lines 14 and 15, the words "or for pupils who may be incorrigible, vicious, and immoral while in attendance on schools."

Mr. FITZGERALD. Mr. Chairman, the effect of the adoption of this amendment would be to permit the school authorities to segregate the children who are inclined to be habitual truants. The language that it is proposed to strike out, "incorrigible, vicious, and immoral children," certainly is sufficiently broad

to include the same children who should be brought before the juvenile court for proper disposition. In the District of Columbia there are two reform schools maintained by the Government, one for boys and the other for girls. It would be very difficult even for the gentleman from Pennsylvania to define what children should be considered incorrigible and vicious and then fix a definition that would cover children supposed to be immoral while in attendance on the schools. I suggest that children who would come within that designation should not be associated in the schools of the District with other children, but would probably belong in the reform school.

The difficulty with this bill arises from the fact that the committee has attempted to incorporate into the bill, to provide for compulsory education, a provision that will in effect create a new reform school in the District of Columbia; and not merely one reform school, but probably a class in a number of schools throughout the District which in effect will be reform schools. There is no machinery provided in this bill, as the gentleman from Missouri has pointed out, to ascertain what children shall be considered incorrigible or vicious or immoral. If it be the purpose to segregate, besides habitual truants, children who can not be controlled by the ordinary methods and discipline of school, that should be stated. But this language evidently is intended to cover children who are thought to be or at least are subjects for the reform school, and the present machinery of the law which has been provided in the shape of the juvenile court should be permitted to take cognizance of the offenses and practices of which these children would be guilty.

Mr. MORRELL. Mr. Chairman, may I ask the gentleman from New York if he would be satisfied to substitute for the words "or who is incorrigible, vicious, or immoral" the words "or who can not be controlled by the ordinary school discipline?"

Mr. FITZGERALD. I do not quite hear the gentleman.

Mr. CRUMPACKER. Mr. Chairman, I desire to say that, in my judgment, this section is substantially as it ought to be. The designation of certain pupils as "incorrigible, vicious, or immoral" does not bring them within the class subject to be committed to the reform school. Reform schools are for incorrigible criminals. I happen to know something about the operation of a compulsory educational law in the State of Indiana. In the city in which I live, where a student becomes incorrigible, when his presence in the school is demoralizing and vicious, we have no remedy except to expel him—turn him out on the street. He can not be committed to the reform school because he is not necessarily a criminal; he is not perhaps persistently bad, but he may be simply full of mischief, determined to have his own way about things, not subject to discipline, and his influence upon the school and upon other students may be bad. Now, in our State there is no way except to expel him from school altogether.

This bill, I understand, provides a special school for that class of students—not criminal students, but incorrigible students, and "incorrigible" means those that can not be corrected by the ordinary methods of school discipline. If they are criminals they may be sent to the reform school.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. CRUMPACKER. I will yield for a question.

Mr. CLARK of Missouri. Does not the gentleman believe that any child that is incorrigible, vicious, or immoral falls within the designation of criminal to the extent of being sent to the reform school?

Mr. CRUMPACKER. Not necessarily, because the reform school statutes generally require criminal misconduct, some act which if committed by an adult would be punishable by the criminal laws of the country. That is the case in our State. Now, there is one amendment that I would make to the section, and that is, I would change the age limit for this section and make it from 10 to 14 years instead of 8 to 14 years. I do not believe that any pupil below the age of 10 years can be classed as incorrigible. I do not believe he can be beyond corrective influences. So I would simply change the age limit from 10 to 14 instead of from 8 to 14, and allow the section to stand as it is otherwise. The board of education would have to provide some method of determining what pupils ought not to be educated with the ordinary pupils in the public schools, those who should be segregated not as criminals, but as mischievous boys, to be educated by themselves; and when by a course of good conduct they have earned the right, they may go back into their grades along with the others. It does not necessarily reflect on a schoolboy to say that he is in the habit of perpetrating pranks in school, that he rebels against the school discipline and the authority of his instructor. The

ordinary schoolboy throughout the country looks upon that kind of conduct as evidence of strength and manhood. A pupil may be incorrigible along that line to the extent that his example will be bad, that his influence will be hurtful, and he ought to be under the control of a muscular teacher, who is able to handle him physically as well as mentally.

Mr. GRAHAM. Along the line of what the gentleman has indicated, I would state that, in my city of Allegheny, we have what is called a "truant school," and the truant officers go out to the homes of boys who will not attend school and bring them to the truant school. It is not considered a reform school, but a truant school.

Mr. CRUMPACKER. That is substantially what this is.

Mr. GRAHAM. It works very well in my city.

Mr. CRUMPACKER. I desire to move to strike out the word "eight" and insert the word "ten," in line 6.

The CHAIRMAN. There is an amendment now pending.

Mr. MORRELL. Mr. Chairman, I desire to make an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD], as follows:

In line 8, strike out, after the word "who," the words "is incorrigible, vicious, or immoral" and substitute the words "can not be controlled by the regular school discipline."

And the same in lines 14 and 15.

Mr. FITZGERALD. Mr. Chairman, I think the amendment now offered by the gentleman from Pennsylvania meets with the approval of the committee, and I ask unanimous consent to withdraw the amendment I offered, so that the gentleman's amendment can be voted on instead.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw the amendment offered by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL].

The Clerk read as follows:

In line 8, after the word "who," strike out the words "is incorrigible, vicious, or immoral" and insert the words "can not be controlled by the regular school discipline." In line 14, after the word "who," strike out the words "may be incorrigible, vicious, or immoral" and insert the words "can not be controlled by the regular school discipline."

Mr. PALMER. Do you not also want to strike out the words "in conduct," in line 15?

Mr. MORRELL. Yes; those should be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 15 strike out the words "in conduct."

Mr. SHERLEY. Mr. Chairman, at the proper time I want to move to strike out the entire section. I want to know whether that is in order now, or whether after the section has been perfected it will be in order?

The CHAIRMAN. Not before the section has been completed.

Mr. SIMS. I wish to say a few words about the amendment just offered by the gentleman from Pennsylvania [Mr. MORRELL]. That amendment makes this section entirely unobjectionable, and something of the kind is absolutely necessary to this bill.

Mr. CRUMPACKER. Allow me to ask the gentleman a question. Wouldn't it improve this section if the age limit for the purposes of this section were made from 10 to 14 instead of from 8 to 14 years?

Mr. SIMS. Under the idea that there will be no 9-year-old child to whom it would apply?

Mr. CRUMPACKER. Yes; set apart in the segregated schools. Would it not, in the opinion of the gentleman, improve the section to fix the age limit at from 10 to 14 years?

Mr. SIMS. If there are children of 8 and 9 years of age that would be, as herein described, not subject to discipline, I do not see why they should not be segregated as well as those from 10 to 12 and 14 years of age.

Mr. CRUMPACKER. Is it conceivable that there can be a child under 10 years of age who can not be controlled by the ordinary disciplinary methods in the public schools?

Mr. SIMS. I should think the gentleman is right about that, that there would not be; but if so, it would be a very rare case. Occasionally, however, we do see a kind of overgrown boy of 9 years of age who can create a great deal of disturbance if he undertakes to do so. I do not think that is vital enough to make this amendment, but I can not speak for the gentleman from Pennsylvania [Mr. MORRELL]. I would not myself object to making it apply from 10 to 14 years, but something of this kind is necessary in this bill, and as amended by the gentleman from Pennsylvania I think the section is very necessary to the bill, and hope that when amended and perfected it will not be stricken out.

Mr. MORRELL. Mr. Chairman, I call for a vote on the amendment just offered.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman from Tennessee the methods of correction that are employed in the public schools of Washington?

Mr. SIMS. I do not know, for I have not investigated that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I desire to move an amendment to the paragraph. In line 6 I move to strike out the word "eight" and insert in lieu thereof the word "ten."

Mr. MORRELL. Mr. Chairman, I sincerely trust that amendment will not pass. We can not make fish of some of the children and flesh of the others. A rule of this kind ought to apply to all that come within the operation of the law.

Mr. CRUMPACKER. Allow me to suggest that I do not think the gentleman from Pennsylvania understands the force of this proposed amendment. The law requires all children between the ages of 8 and 14 to attend school, and makes provisions for segregating certain incorrigible children and educating them in special schools because of their lack of obedience to the school discipline. I do not believe a student below the age of 10 years ought to be segregated and put in one of those special schools, and for this purpose I think the minimum age of 10 years ought to be fixed in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, for the purpose of improving the grammar a little, I suggest that something should be done to the phrase "such children may be restricted to such schools for instruction until satisfactory evidence for improvement is presented by the teacher in charge for his restoration to a graded school." The grammar may be corrected. It commences in the plural and concludes in the singular. The easiest way, I think, of correcting it is to strike out the word "his," in line 18. I offer that amendment.

The CHAIRMAN. Without objection, the amendment suggested will be agreed to.

There was no objection.

Mr. PALMER. Mr. Chairman, I move to amend by inserting after the word "committed," in line 9, the words "by the board of education."

Mr. MORRELL. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the motion was agreed to.

Mr. PALMER. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lines 17 and 18, after the word "is," in line 17, strike out the words "presented by the teacher in charge for restoration to a graded school in the district in which he lives" and insert in lieu thereof the words "furnished the board of education by the teacher in charge, whereupon such child may be restored to a graded school in the district where he resides."

Mr. PALMER. Mr. Chairman, the point of that amendment is this: There is no machinery provided in this section by which a child can be restored to a graded school. Somebody ought to have the authority to restore the child and somebody ought to have the right to furnish the testimony.

Mr. FITZGERALD. I will ask the gentleman if he does not believe that it should be the superintendent of schools instead of the board of education. The board of education does not meet very often, and the superintendent of schools is the executive head.

Mr. PALMER. The board of education is the authority which is to provide and set apart a school building or special rooms, and the board of education is the one that is to pass upon the question whether the child is an habitual truant, and therefore the board of education ought to be the one to restore the child to a graded school in case restoration is found to be proper.

Mr. MORRELL. I call for a vote, Mr. Chairman.

Mr. PALMER. You accept that?

Mr. MORRELL. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I have received a telegram which I would like to have the Clerk read.

The CHAIRMAN. The gentleman from Wisconsin submits a telegram, which will be read in his time.

The Clerk read as follows:

FORT MONROE, VA., May 28, 1906.

Hon. JOSEPH W. BABCOCK,

House of Representatives, Washington, D. C.:

We hope the compulsory education bill passed to-day without fail.
WM. H. BALDWIN.

Mr. CLARK of Missouri. Who is he?

Mr. BABCOCK. I do not know. I never heard of him before.

Mr. SHERLEY. Mr. Chairman, I move to strike out section 3, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3 strike out section 3.

Mr. SHERLEY. Mr. Chairman, I do not want to take but a moment of the time of the committee in discussing this amendment. To my mind it is absurd to think that there are going to be many cases arising of children between the ages of 8 years and 14 who can not be managed by the ordinary discipline of the school, and those cases that do arise will be cases that properly belong to a reform school. The gentleman from Indiana may be correct as to the conditions in the State of Indiana in reform schools. He is incorrect as to the condition touching admission into reform schools in most of the other States of the country. In my own city the rule is that a parent can, upon presentation to our police court, which has certain powers as a juvenile court, and a showing that a child is incorrigible, have it sent to a reform school, and as I understand it we have in the District now reform schools for just such purposes. You are undertaking here to make a system that is going to work to the detriment of your entire school system. Instead of putting upon the teacher the burden of preserving order by her or his conduct and management of the school by inspiring pupils with respect and obedience, you are permitting them an easy road out of their difficulties by simply having any child who happens to prove temporarily unruly brought up before the board of control and having it sent to this special school for incorrigibles.

In my humble judgment the moment you consider the fact that the ages of children to whom the compulsory education bill applies are 8 to 14 you have answered all the arguments raised here. If you had to deal with boys 15, 16, 17, and 18 and compel them to go to school there might be something in it, but the cases in which children under 14 years of age are going to be beyond the control of ordinary school discipline are going to be rare, and, as I have said, such as ought to be taken care of by reform schools. I therefore hope the amendment will prevail.

Mr. GRANGER. Mr. Chairman, I trust I may not reflect upon the gentleman from Kentucky in his experience in the raising of children if I say that there is a period of time when a child is not vicious and when a child is not criminal, but when a child needs careful training, perhaps more so than any other time in his life, and that time is certainly between the ages of 7 and 14, and that is the time when a child needs frequently, by reason of his nervous condition, the special care which can be obtained by a school of this kind such as we have in my State.

Mr. SHERLEY. Will the gentleman yield?

Mr. GRANGER. Certainly.

Mr. SHERLEY. Does the gentleman think a nervous child will be helped by being put in a schoolroom with only other nervous children or children who are guilty of wrongdoing?

Mr. GRANGER. No; I do not know that he would be helped by that, but I think he would be infinitely helped by being segregated and given into the hands of teachers who are peculiarly fitted to deal with nervous children. It is now many years since that system has existed in Rhode Island, and in our own State the result has justified it. I trust that the gentleman's amendment will be voted down.

Mr. PARKER. Mr. Chairman, just one word on this. I agree with the gentleman from Kentucky [Mr. SHERLEY]. I can not see anything more awful than to take a lot of little chaps between the ages of 6 and 14, and, just because they happen to be a little careless or a little bit refractory, put them all together in a school where there is no grade, no opportunity for advancement, and no opportunity for reward, and to be treated as if they were incorrigible. That section ought to go out of the bill.

Mr. MORRELL. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kentucky [Mr. SHERLEY] to strike out section 3.

The question was taken; and the motion was rejected.

The Clerk read as follows:

SEC. 4. That for the purposes of securing a strict compliance with every provision of this act the board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint a number of persons, not to exceed seven, who shall be designated as attendance officers, and who shall each receive a salary for such services of \$600 per annum, and whose duties in the premises shall be prescribed by the said board.

Mr. MORRELL. Mr. Chairman, I wish to offer a substitute.

Mr. CLARK of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORRELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of \$600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court, shall, under the direction of the board of education, carry out the provisions of this act.

Mr. CLARK of Missouri. Mr. Chairman, I would ask the Clerk to read an amendment which I sent to the desk as a substitute for the amendment of the gentleman from Pennsylvania [Mr. MORRELL]. I wrote it as an original amendment, and, as he got his in first, I will offer mine as a substitute.

The Clerk read as follows:

On page 3, in lines 23, 24, and 25, strike out all after the word "appoint" down to and including the word "and," and insert in lieu thereof the words "one attendance officer;" also strike out the word "each," in line 25.

Mr. MORRELL. I would like to say to the committee, Mr. Chairman, that in reference to the views of the Committee on Appropriations, and in view of the argument that was had here on the floor in connection with the child-labor bill, the committee cut the number of attendance officers authorized by this bill from seven to two, and provided that the officers authorized by the child-labor bill and the officers authorized by the juvenile-court bill shall act in conjunction with the two officers provided in this bill. But we did not feel that the provisions of this bill could be properly carried out with any less than two attendance officers as is provided in the amendment, or rather the substitute, which I sent to the Clerk's desk.

The only difference of opinion between myself and the gentleman from Missouri is that his amendment provides for one while the committee amendment provides for two. I sincerely trust that the gentleman will not insist on his amendment, but will realize that the committee have, in the interest of economy and efficiency, done the best that they thought was possible in providing for but two.

Mr. CLARK of Missouri. Mr. Chairman, if you can not get a whole loaf, take a half loaf; therefore I withdraw my amendment, or substitute, provided the committee will vote for the one offered by the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL].

The question was taken; and the amendment was agreed to.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Missouri [Mr. CLARK] will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. That no child in the District of Columbia under the age of 14 shall be employed by any person or persons to labor in any factory, workshop, mercantile establishment, or in any business whatsoever that will prevent such child from attending school during the days and hours of the school term, as determined by the board of education, or its equivalent, in private, parochial, or home instruction, as set forth in section 1, and any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than \$50 or by imprisonment for not more than sixty days.

Also the following committee amendments:

Pages 3 and 4, strike out all of section 5 down to and including the word "and," in line 7 on page 4, and insert in lieu thereof the word "That."

Page 4, line 8, insert before the word "absence" the word "be;" also strike out the word "himself."

Page 4, line 12, strike out the word "fifty" and insert the word "twenty;" also strike out the words "or by imprisonment for not more than sixty days."

Mr. SIMS. Mr. Chairman, in the print I have here the word "deemed" appears twice right together. I do not know whether it is that way in the bill or not.

Mr. MORRELL. In what line?

Mr. SIMS. It appears at the end of line 13 and the beginning of line 14.

The CHAIRMAN. Without objection, correction will be made.

Mr. SIMS. One of them ought to be stricken out.

There was no objection.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WILLIAMS. Do I understand the Chair to say amendment or amendments?

The CHAIRMAN. The question is on agreeing to the first committee amendment in section 5.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the next committee amendment to section 5.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the third amendment recommended by the committee.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. One other amendment. The question is on agreeing to the last amendment to section 5.

Mr. WILLIAMS. Mr. Chairman, there is an amendment skipped by the Chair in line 11. "Himself" is stricken out.

The CHAIRMAN. That is the next amendment.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Missouri. There is an amendment striking out "fifty" and inserting "twenty."

The CHAIRMAN. Without objection, the committee amendment in line 11 will be considered as agreed to. [After a pause.]

The Chair hears no objection. The question now is on the last amendment.

Mr. WILLIAMS. The last amendment is to strike out "or by imprisonment of not more than sixty days." The Chair has not yet submitted the amendment striking out "fifty" and inserting "twenty."

The CHAIRMAN. The question now is on the amendment in line 15, striking out "fifty" and inserting "twenty."

The question was taken; and the amendment was agreed to.

The amendment striking out the words "or by imprisonment of not more than sixty days" was agreed to.

Mr. PALMER. I move to amend by inserting, in line 12, after the word "or," the words "who knowingly." I do not think a man ought to be convicted of crime without he was knowingly harboring or employing these children.

The Clerk read as follows:

In line 12, after the word "or," insert the words "who knowingly."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That attendance officers shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages.

Mr. MORRELL. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 4, line 17, after the word "that," strike out the words "attendance officers" and insert "the officers empowered under this act."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That if any parent or guardian shall be unable by reason of poverty to send the child under his control to school as provided for in this act, it shall be the duty of the board of education to take such action as in its discretion may best promote the purpose of this act in the particular case.

The amendment recommended by the committee was read, as follows:

Amend by striking out lines 4, 5, 6, 7, and 8 and inserting "that this act shall take effect on July 1, 1906."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That this act shall take effect on July 1, 1906.

The amendment recommended by the committee was read, as follows:

Strike out section 10.

The question was taken; and the amendment was agreed to.

Mr. MORRELL. I move that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

DISTRICT OF COLUMBIA FIRE DEPARTMENT.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill H. R. 4464.

The bill was read, as follows:

A bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

Be it enacted, etc., That the fire department of the District of Columbia shall embrace the whole of the said District, and its personal and movable property shall be assigned and located as the Commissioners of said District may direct within the appropriations made by Congress.

SEC. 2. That the Commissioners of the District of Columbia shall ap-

point, assign to such duty or duties, promote, reduce, fine, suspend with or without pay, and remove all officers and members of the fire department of the District of Columbia according to such rules and regulations as said Commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified and shall remain in force until changed by said Commissioners.

SEC. 3. That the fire department of the District of Columbia shall consist of a superintendent, who shall, subject to the general supervision and direction of said Commissioners, have administrative supervision thereof; and also, as at present, of one chief engineer, one deputy chief engineer, such number of battalion chief engineers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains and lieutenants as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; such number of assistant superintendents of machinery, engineers, assistant engineers, pilots, marine engineers, assistant marine engineers, drivers, privates of class No. 2, privates of class No. 1, and laborers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of stables; such number of assistant superintendents of stables as said Commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the superintendent of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *And provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That until this act shall take effect the said fire department and its officers and members shall continue as at present, and shall be subject to existing rules and regulations.

SEC. 4. That the superintendent of the fire department of the District of Columbia and all the officers and members thereof, before entering upon their respective duties in said department, shall take and file with said Commissioners an oath of office that they will faithfully perform the duties of such office or position, and such of said officers and members of said fire department as said Commissioners may from time to time require shall give such bond to the District of Columbia, and in such amount, for the faithful performance of their respective duties as said Commissioners may require and approve.

SEC. 5. That the salary of the superintendent of the fire department of the District of Columbia shall be and continue annually at \$4,000, unless changed by Congress, and shall begin at said rate per annum at the time of his appointment to office; the salaries of the other officers and members of said fire department herein provided shall commence, for the purposes of this act, with the fiscal year beginning July 1, 1906, and shall continue thereafter annually, unless changed by Congress, as follows: The chief engineer shall receive an annual salary of \$3,500; the deputy chief engineer shall receive an annual salary of \$2,500; battalion chief engineers shall each receive an annual salary of \$2,000; the fire marshal shall receive an annual salary of \$2,000; deputy fire marshals shall each receive an annual salary of \$1,400; inspectors shall each receive an annual salary of \$1,080; one clerk at an annual salary of \$1,400; all other clerks shall each receive an annual salary of \$1,200; captains shall each receive an annual salary of \$1,400; lieutenants shall each receive an annual salary of \$1,200; the superintendent of machinery shall receive an annual salary of \$1,400; assistant superintendents of machinery shall each receive an annual salary of \$1,200; engineers shall each receive an annual salary of \$1,150; assistant engineers shall each receive an annual salary of \$1,100; pilots shall each receive an annual salary of \$1,150; marine engineers shall each receive an annual salary of \$1,150; assistant marine engineers shall each receive an annual salary of \$900; drivers shall each receive an annual salary of \$1,100; privates of class No. 2 shall each receive an annual salary of \$1,080; privates of class No. 1 shall each receive an annual salary of \$960; laborers shall each receive an annual salary of \$720; the superintendent of stables shall receive an annual salary of \$1,080; assistant superintendents of stables shall each receive an annual salary of \$900.

SEC. 6. That no officer or member of said fire department, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the said Commissioners one month's previous notice in writing of such intention.

SEC. 7. That nothing in this act contained shall be held to repeal an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892, and the amendatory act thereof approved February 20, 1896; nor the acts creating the firemen's relief fund, and the amendments thereof, respectively approved February 25, 1885, and June 11, 1896; nor the act granting twenty days leave of absence, approved March 3, 1897; otherwise all acts and parts of acts inconsistent with and replaced by some provision hereof are hereby repealed.

SEC. 8. That this act shall take effect and be in force on and after July 1, 1906.

The amendments recommended by the committee were read, as follows:

Page 2, strike out all after the word "of" in line 5, down to and including the word "of" in line 8; also insert, before the word "such," in line 8, the words "both of whom shall have had at least five years of experience in some regularly organized municipal fire department."

Page 2, line 20, insert, before the word "privates," the words "assistant drivers;" strike out the comma after the word "two" in said line and insert "and."

Page 2, line 21, strike out the comma after the word "one;" also strike out the words "and laborers."

Page 2, strike out all, commencing with the semicolon after the word "Congress" in line 23, down to and including the word "Congress" in line 1, page 3; also strike out the word "superintendent," in line 1, page 3, and insert "chief engineer."

Page 3, strike out all, commencing with the colon after the word "department," in line 10, down to and including the word "regulations," in line 13.

Strike out all of section 4.

Page 3, line 25, strike out all after the word "that" down to and including the semicolon after the word "office" in line 4 on page 4; also strike out the word "other," in line 4, page 4.

Page 4, line 17, insert, before the word "clerk," the word "chief."

Page 4, line 18, strike out the semicolon after the word "dollars;" also strike out the words "all other clerks shall each receive" and insert in lieu thereof "and one clerk at."

Page 5, line 8, strike out the word "nine" and insert the words "one thousand one."

Page 5, line 10, insert, before the word "dollars," the words "and fifty;" also insert, before the word "privates," the words "assistant drivers shall each receive an annual salary of one thousand one hundred dollars."

Page 5, strike out all, commencing with the semicolon after the word "dollars," in line 13, down to and including the word "dollars," in line 18.

Pages 5 and 6, strike out all of section 7 down to and including the word "otherwise," in line 12, page 6, and insert in lieu thereof the word "That."

Page 6, line 13, strike out the words "and replaced by some provision" and insert in lieu thereof "the provisions."

Renumber the sections.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the chairman of the committee a question or two with respect to the bill. I notice beyond the chairman of the committee, the gentleman from Wisconsin, a great pile of bills. Are these all District bills?

Mr. BABCOCK. Does the gentleman refer to these papers?

Mr. GAINES of Tennessee. Yes.

Mr. BABCOCK. These are District bills.

Mr. GAINES of Tennessee. How many bills are there?

Mr. BABCOCK. There are only nineteen after this one.

Mr. GAINES of Tennessee. I simply wanted to get a little information. It seems to me you have more bills from the District of Columbia than from the whole of the United States. Why have they accumulated so?

Mr. BABCOCK. They have accumulated on account of the time wasted in needless discussion over propositions that have been brought before the House.

Mr. GAINES of Tennessee. Well, I have no doubt the gentleman has enjoyed that fun when he talked to himself.

Mr. BABCOCK. Mr. Chairman, will it be in order to ask unanimous consent that the bill may be considered as read the second time and move that it be laid aside with a favorable recommendation?

The CHAIRMAN. Unanimous consent is asked that the bill may be considered as read a second time and laid aside with a favorable recommendation.

Mr. WILLIAMS. We can not do that. We can not give any unanimous consent.

The CHAIRMAN. The Clerk will commence the reading of the bill.

Mr. FITZGERALD. I wish to ask some questions.

Mr. WILLIAMS. But the bill ought to be read at least once.

Mr. BABCOCK. It has been read once.

Mr. FITZGERALD. This is the first reading, and then there is general debate.

Mr. WILLIAMS. I may save some time. A moment ago I was under the impression that this bill had not been read to the House.

The CHAIRMAN. It has been read.

Mr. WILLIAMS. Oh, then, I withdraw the objection I made a moment ago.

The CHAIRMAN. Without objection—

Mr. FITZGERALD. I object. The bill has to be read for amendments, and before the bill is read for amendments I wish to ask some questions about this bill.

The CHAIRMAN. The gentleman is recognized.

Mr. FITZGERALD. I wish to ask why assistant drivers are provided in this bill with salaries at \$1,100 a year, and how many assistant drivers is it intended there shall be in this Department?

Mr. CAMPBELL of Kansas. Mr. Chairman, in answer to the gentleman from New York, I will state that there are thirty assistant drivers provided for in the bill and thirty less regular firemen provided for. They are taken out of the body of the force. Their salaries have been increased from \$900 to \$1,100 for the reason that the work of a driver is extra hazardous, and it was thought by the committee that it was only just when a man was called upon to do the extra hazardous work of a driver his salary should be correspondingly increased.

Mr. FITZGERALD. I call the attention of the gentleman to the fact that no number is fixed by this bill.

Mr. CAMPBELL of Kansas. There are thirty drivers now, and while we have not increased the men in the force, that matter being wholly left to the Committee on Appropriations, of which the gentleman, I believe, is a member, he will recall that there are now thirty drivers provided for in the appropriation bill, and thirty assistants have been drawn from the force by the fire chief and the Commissioners.

Mr. FITZGERALD. I wish to call attention to these facts in connection with the bill, if the gentleman will permit me: This bill provides for assistant drivers at a salary of \$1,100 a year. It also provides for two classes of privates, one at \$1,080 a year and one at \$960 a year. The assistant drivers that are to be authorized here, unless I am misinformed, have practically nothing to do as drivers except, perhaps, when some man goes home to lunch or is temporarily disabled, and yet they are creating a new class and an additional compensation, not only above what they receive at present, but above what the ordinary drivers will receive under the increased schedule.

Mr. TAYLOR of Ohio. I want to say that the assistant drivers provided for in this bill are the men who have been the privates driving the hose wagons and all other wagons except the steamers. Now, we make them what they really have been for a number of years. They drive the hose wagons, and the regular drivers are the drivers of the steamers.

Mr. FITZGERALD. Instead of their occupation being extra hazardous, it is much easier than that of the ordinary drivers. The man who drives the hose wagon drives to the fire, helps to lay out the hose, and then takes care of his horses. He does not do the work of fighting the fire.

Mr. TAYLOR of Ohio. If the gentleman will look at the report he will find that the assistant drivers do all the duties of a private at a fire, and in addition look after their horses and drive these hose wagons.

Mr. FITZGERALD. In theory they do the work of privates at a fire, but as a matter of fact they do not.

Mr. TAYLOR of Ohio. As a matter of fact they do, and the gentleman is the first person who says they do not.

Mr. FITZGERALD. I am somewhat familiar with the way a large fire department is conducted, a fire department that has something of a reputation throughout the country, and I know that the man who drives a hose wagon takes care of his horses at the fire, takes care of his wagon, and drives back and forth for additional fuel when it is required for the steamers, and that he does not as a matter of fact do the ordinary work of fire fighting, the same as the ordinary privates do. When that provision in the bill is reached, I simply wish to say to the gentleman that I will ask the committee to disagree to the amendment providing this additional compensation for the assistant drivers.

There is one thing I wish to call attention to. At present the fire department in the District of Columbia has a clerk at \$1,000 a year, and there is a private detailed as assistant to the chief. This bill provides for two clerks at least, one a chief clerk, at \$1,400 a year, and another clerk, at \$1,200 a year.

Mr. CAMPBELL of Kansas. Will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. CAMPBELL of Kansas. I do not want to take the time of the committee, but these two clerks, the chief clerk and the assistant clerk, take the place of a general superintendent who, in your city, gets \$7,000 a year.

Mr. FITZGERALD. Oh, well, in my city there is a population of 4,000,000 people, with its immense wealth, to be looked after by the fire department.

Mr. CAMPBELL of Kansas. And in this city there are over 300,000 people, with enormous property, the Government having large property interests here, to be taken care of.

Mr. FITZGERALD. Well, it is as impossible to make a fair comparison between the fire department of Washington and the fire department required in the city of New York as it is to compare the annual budget of the two cities. But I was calling attention to this fact, that the Commissioners of the District of Columbia, in their annual estimates this year and in the testimony that they submitted before the Committee on Appropriations, did not ask an additional clerk, but only asked that the clerk they had have an increase of \$200 in salary; and yet this bill contains a provision for a chief clerk at \$1,400 a year and another clerk at \$1,200 a year.

Mr. CAMPBELL of Kansas. The Commissioners did ask for a superintendent, at \$4,000, and instead of granting the request the committee gave them these two clerks.

Mr. FITZGERALD. The Commissioners asked the gentleman's committee not only to provide a chief of the fire department, but also to provide a superintendent to take care of the administration of the fire department. The gentleman's committee very sensibly, I believe, found that it was unnecessary to have a superintendent; that one of the Commissioners in effect is the superintendent of the department, and so they disallowed this unnecessary additional officer. I see that the Commissioner of the District, the chairman of the Commission, in his statement before the committee, stated that they had a clerk at \$1,000 a year, and they asked that his compensation be increased to \$1,200, but they asked for no additional clerk; and

yet this bill provides a chief clerk at \$1,400 and a clerk at \$1,200. I desire to call these things to the attention of the committee because I intend to ask the committee to disagree with these two items.

Mr. CAMPBELL of Kansas. Is that the only objection the gentleman has to the bill? I think we could save time if the gentleman will call attention to the objections he has and let us vote upon them and agree to the remainder of the bill.

Mr. FITZGERALD. Those are the only two things I object to at this time.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that that provision be read, so that we can get a vote upon these amendments at this time.

Mr. MANN. Mr. Chairman, I think the gentleman from Kansas ought to explain what the bill is and what it does. It seems to increase a large number of salaries, and I do not think it is ordinarily customary for the House to increase a great number of salaries without some explanation. It isn't necessary for the gentleman to look at the clock, because if a number of people who wish to have their salaries increased can get them increased by looking at the clock clocks would be in demand.

Mr. CAMPBELL of Kansas. I will say to my friend from Illinois that I have not supported a bill on the floor of the House upon which I would more gladly make an extended statement than on this bill, but the hour is late, and I can say in a very few words what the general purpose of the bill is. It is to create a permanent fire department and increase the salaries of the men.

Mr. WILLIAMS. Mr. Chairman, it is evident that the consideration of this bill will take half an hour more.

Mr. MANN. It will take all of that.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. I will yield to the gentleman.

Mr. WILLIAMS. It is after 5 o'clock, and I suggest that the committee rise. I am perfectly willing to have the bill acted upon, and thought it would take only five minutes. It has now already taken twenty-four minutes.

Mr. CAMPBELL of Kansas. Will the gentleman from Illinois be satisfied if what I have to say on the bill is printed in the Record, and I have it on the desk in the morning?

Mr. MANN. Most certainly not. While I am always entertained by reading the speeches of the gentleman from Kansas, I prefer to have the House hear what the gentleman from Kansas has to say as to why these salaries should be raised. I know of no Government employee but would like to have his salary raised. If there be reason for this, the House ought to know not only what the increases are, but why they are made.

Mr. CAMPBELL of Kansas. The reason for asking for the passage of this bill is that the firemen of the District of Columbia have not had an increase of salary since 1878. They are the lowest paid public servants in the District of Columbia. They are paid lower wages now than policemen are paid. We increased the salary of the policemen three months ago in the House, and we agreed to the Senate amendment to that bill today. The men in the fire department get, on an average, a lower wage than any of the public servants in the District. They have to live near the fire stations; they are on duty twenty-four hours in the day; they are called upon to do most hazardous work; their expenses are high by reason of their high rent, by reason of the clothing they have to provide for themselves, and there is every argument in support of the increase of salaries that are provided for in this bill. I will say to the gentleman from Illinois that of the \$83,000 increase all but \$4,600 goes to the men, the other \$4,600 to the higher officers.

Mr. MANN. It seems to me that the House is entitled to know what the increases proposed are. There is nothing here to show the House as to what the increases are. I notice that assistant drivers in the bill have their salaries raised to \$1,100. It may be perfectly proper for aught I know, although there are hundreds of drivers in this city who would be glad to receive a salary of two-thirds of that.

Mr. CAMPBELL of Kansas. If the gentleman will suspend, I will tell just what the increases are. The chief engineer is increased from \$2,500 to \$3,500.

Mr. MANN. That is a thousand dollars increase.

Mr. CAMPBELL of Kansas. The deputy chief engineer, from \$1,500 to \$2,500; battalion chiefs, there being three, from \$1,200 to \$2,000; fire marshal, from \$1,600 to \$2,000; deputy fire marshal, a new office created, at \$1,400 a year; inspectors, two of them, at \$1,080 a year; chief clerk, at \$1,400; clerk, at \$1,200, being an increase of \$200; captains, and there are twenty-nine of them, and we create no new ones, are increased from \$1,000 to \$1,400; lieutenants, and there are thirty of them,

are increased from \$900 to \$1,200; superintendent of machinery is increased from \$1,000 to \$1,400; assistant superintendent, \$1,200; engineers, eighteen in number, are increased from \$1,000 to \$1,150; assistant engineers, eighteen of them, are increased from \$900 to \$1,100; marine engineer is increased from \$1,000 to \$1,500. I will say for the benefit of the committee that we have one marine engineer. Assistant marine engineer, from \$900 to \$1,100.

Mr. MANN. What is the marine engineer?

Mr. CAMPBELL of Kansas. He is in charge of the fire boat on the Potomac River and patrols the river front. There are thirty assistant drivers. These men have their salaries increased from \$900 to \$1,100. Privates in class 2, 196 of them, are increased from \$900 to \$1,080; watchmen formerly, now class 1, 29 in number, are increased from \$720 to \$960. The total number of men whose salaries are affected is 367, there being an increase of five men created by this bill. The total increase in the salaries, all told, is \$83,490. That is, in brief, what we do in this bill, and I will say if this bill becomes a law, our fire department is still below the pay given to fire departments in cities of similar size throughout the country.

Mr. MANN. Did I understand the gentleman to refer to watchmen?

Mr. CAMPBELL of Kansas. Yes. That is what is now the lowest class of fireman.

Mr. MANN. What are the watchmen?

Mr. CAMPBELL of Kansas. They have been denominated heretofore as watchmen. We make them class 1 by this bill.

Mr. MANN. What are their duties?

Mr. CAMPBELL of Kansas. Their duties are very similar to the duties of firemen in class 2. They are the apprentices, if you please. They are those who enter new upon the service.

Mr. MANN. I understood the gentleman a little while ago to say that the chief clerk was to take the place of somebody else when absent.

Mr. CAMPBELL of Kansas. The Commissioners asked for a general superintendent of the fire department. We have here twenty-nine fire stations and over a million and a quarter of dollars' worth of property. There are large estimates to be made, orders and requisitions made constantly. There is a large correspondence growing out of the relations of the fire department to the business of the District, and we provided these clerks instead of this general superintendent, who was to have charge of the business of the fire department.

Mr. MANN. I understood the gentleman to say a while ago—I ask whether I was mistaken—that these chief clerks fill the duty of some other officer.

Mr. CAMPBELL of Kansas. The chief clerk will, in the absence of the fire chief, be in charge of the office.

Mr. MANN. What do you call the fire chief? How is he designated here?

Mr. CAMPBELL of Kansas. The chief engineer.

Mr. MANN. So that a chief clerk is to take the place of a chief engineer?

Mr. CAMPBELL of Kansas. He will be in the engineer's office constantly, and look after the business of the fire department, keeping the property and the books of the department.

Mr. MANN. I suppose the gentleman does not really mean that the chief clerk will take the place of the chief engineer in the absence of the chief engineer.

Mr. CAMPBELL of Kansas. I did not say he would take charge of fires or anything of that sort; but he is to be in the office and in charge of the office in the absence of the chief engineer.

Mr. MANN. Mr. Chairman, it seems to me that it is a rather unusual thing to bring before the House at this time in the day a proposition to increase salaries, one from \$2,500 to \$3,500 and another from \$1,500 to \$2,500, and other salaries correspondingly. This House would debate for half an hour or more, if it had the opportunity, on an appropriation bill, a proposition to increase the salary of one individual at a thousand dollars per year. It is a very unusual thing to increase a salary \$1,000, a salary of these grades, and it is always a matter of suspicion to me when a bill comes before the House urged by a particular department and the head of it to find that the chief officials of that department are the ones who received the highest raises in the salaries. I can very well understand how the chief engineer of the fire department is in favor of this bill, when his salary is increased from \$2,500 to \$3,500 per year and the assistant engineer from \$1,500 to \$2,500 per year, almost a doubling of the salary in his case. I think that the committee ought to give the House an opportunity to consider these propositions upon their merits and not bring it before the House at this time in the evening when it is certainly im-

possible to consider them item by item, or each one on its merits.

Mr. CAMPBELL of Kansas. Now, if the gentleman—

Mr. WILLIAMS. Mr. Chairman, I think this felonious assault has gone far enough. Can not the gentleman move that the committee rise?

Mr. CAMPBELL of Kansas. I am still hoping to get this bill out. I have been trying to get it considered for more than a month.

Mr. WILLIAMS. I hope that the gentleman will move that the committee rise.

Mr. MANN. I will say to the gentleman there have been men in Washington hoping to get their salaries increased ever since I have been in Washington who have not yet received a hearing in the House.

Mr. CAMPBELL of Kansas. Let me say this: The men who are more affected by this bill than the gentleman from Illinois or myself or any Member of the House—the residents and taxpayers of the District of Columbia—are heartily in favor of every provision in this bill and of every increase that is provided for here, and have been urging that the bill be given early and favorable consideration.

Mr. WILLIAMS. Mr. Chairman, I move—

Mr. CAMPBELL of Kansas. Oh, no—

Mr. WILLIAMS. Will not the gentleman move that the committee rise?

Mr. CAMPBELL of Kansas. Oh, I think now that—

Mr. WILLIAMS. I move that the committee rise. It is evident you will have to go into each one of these increases, and it will take an hour.

Mr. CAMPBELL of Kansas. That will be in two weeks from now, and I fear Congress will adjourn before we can secure the passage of the bill.

Mr. MANN. Congress will not have adjourned in two weeks; let the gentleman from Kansas make the motion.

Mr. WILLIAMS. I would rather the gentleman himself would make the motion. I withdraw my motion that the committee rise.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I reserve the balance of my time, Mr. Chairman. The question was taken; and the motion was agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks on the bill to preserve birds in the District of Columbia.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] The Chair hears none.

Mr. MORRELL. Mr. Chairman, I ask leave to extend my remarks in the Record on expenses in the District of Columbia.

The CHAIRMAN. Without objection, the same privilege will be accorded to the gentleman from Pennsylvania. [After a pause.] The Chair hears no objection.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, and had come to no resolution; and also had had under consideration the bill (S. 1243) providing for compulsory education in the District of Columbia, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama; and

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 584. An act for the relief of David H. Moffat.

AGRICULTURAL APPROPRIATION BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title with Senate amendments was taken from the Speaker's

table and referred to its appropriate committee, as indicated below:

H. R. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907—to the Committee on Agriculture.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill S. 1243 and amendments to its final passage.

The question was taken; and the previous question was ordered.

The amendments were agreed to.

The bill as amended was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. This bill is now in the attitude where it will go over as unfinished business until to-morrow, and I hope therefore, that the motion to adjourn will be made now. It will not prejudice the bill.

The SPEAKER. The Chair is not sure whether it will go over until to-morrow or go over until two weeks from to-morrow.

Mr. WILLIAMS. The previous question has been ordered, and that sends it over until to-morrow. The Chair ruled upon that two or three days ago.

The SPEAKER. Not on District of Columbia day. There is a peculiar rule as to the District of Columbia that set everybody at sixes and sevens until it was examined on another question; but the House, of course, will choose whatever course it desires to pursue, and when the question arises the Chair will decide it.

Mr. BABCOCK. I would like to ask the gentleman from Mississippi [Mr. WILLIAMS] if there is any objection to taking the vote now?

Mr. WILLIAMS. Yes; the objection is that we would have to stay here until we called the roll.

Mr. BABCOCK. Then, Mr. Speaker—

Mr. PAYNE. I hope the regular order will go on.

The SPEAKER. The regular order is demanded. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. WILLIAMS) the House divided; and there were—ayes 101, noes 12.

Mr. WILLIAMS. Reserving the point of order that there is no quorum present, I suggest that we had better adjourn. I reserve the point of order.

The SPEAKER. There is nothing to reserve that the Chair can see that the point of order would apply to.

Mr. WILLIAMS. I reserve the point of order that there is no quorum present.

The SPEAKER. The ayes have it, and the bill—

Mr. WILLIAMS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The reservation did not last a great while. [Laughter.]

Mr. WILLIAMS. But the reservation would have lasted, and I want the Speaker to understand now that I have the right to reserve the point of order.

The SPEAKER. The Sergeant-at-Arms will close the doors and bring in absentees, the Clerk will call the roll, and those in favor of the passage of the bill will, as their names are called, answer "aye," and those opposed will answer "no," and those present and not voting will answer "present."

Mr. WILLIAMS. Now, Mr. Speaker, I move that the House do now adjourn.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves that the House do now adjourn.

Mr. WILLIAMS. I am perfectly willing that it should come from there.

The question was taken; and the motion was rejected.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 1, answered "present" 27, not voting 190, as follows:

YEAS—164.

Adams, Wis.	Brown	Cole	Ellis
Allen, Me.	Brownlow	Conner	Esch
Ames	Buckman	Cousins	Fitzgerald
Babcock	Burleson	Cromer	Foss
Barchfeld	Burton, Del.	Crumpacker	Foster, Ind.
Bates	Burton, Ohio	Curtis	Foster, Vt.
Beall, Tex.	Butler, Pa.	Dalzell	French
Beidler	Campbell, Kans.	Darragh	Fulkerson
Bennet, N. Y.	Campbell, Ohio	Dawes	Gardner, N. J.
Birdsall	Capron	Dawson	Garner
Bonyng	Cassel	De Armond	Garrett
Bowersock	Chaney	Denby	Graft
Brick	Clark, Mo.	Draper	Graham
Brooks, Tex.	Cocks	Edwards	Gregg

Grosvenor
Hale
Hamilton
Hayes
Hedge
Henry, Conn.
Henry, Tex.
Hepburn
Higgins
Hill, Conn.
Hinshaw
Hogg
Holliday
Hubbard
James
Jenkins
Johnson
Jones, Wash.
Kahn
Kellher
Kennedy, Nebr.
Kennedy, Ohio
Kinkaid
Knowland
Lacey
Lafean
Landis, Chas. B.

Landis, Frederick
Lawrence
Lee
Lilley, Conn.
Lloyd
Loud
Loudenslager
McGavin
McKinlay, Cal.
McKinley, Ill.
McKinney
McMoran
Macon
Madden
Mann
Minor
Moon, Tenn.
Morrell
Mouser
Murdock
Murphy
Needham
Nevin
Olcott
Olmsted
Otjen
Overstreet

Padgett
Palmer
Parker
Parsons
Payne
Pearre
Perkins
Pollard
Pou
Powers
Rainey
Rhodes
Rodenberg
Rucker
Ruppert
Ryan
Shackelford
Sherley
Sherman
Sibley
Sims
Smith, Cal.
Smith, Iowa
Smith, Md.
Smith, Pa.
Smith, Tex.
Smyser

NAYS—1.

Floyd

ANSWERED "PRESENT"—27.

Adamson
Andrus
Boutell
Burke, S. Dak.
Candler
Dale
Dickson, Ill.

Driscoll
Finley
Gaines, Tenn.
Gillespie
Greene
Haugen
Hopkins
Houston
Humphreys, Miss.
Lever
Lilley, Pa.
McAlain
Rhinoek
Rixey

Russell
Sheppard
Southard
Stephens, Tex.
Wanger
Watkins

NOT VOTING—190.

Acheson
Adams, Pa.
Alken
Alexander
Allen, N. J.
Bankhead
Bannon
Bartholdt
Bartlett
Bede
Bell, Ga.
Bennett, Ky.
Bingham
Bishop
Blackburn
Bowers
Bowie
Bradley
Brantley
Brooks, Colo.
Broussard
Brundidge
Burgess
Burke, Pa.
Burleigh
Burnett
Butler, Tenn.
Byrd
Calder
Calderhead
Chapman
Clark, Fla.
Clayton
Cockran
Cooper, Pa.
Cooper, Wis.
Currier
Cushman
Davey, La.
Davidson
Davis, Minn.
Davis, W. Va.
Deemer
Dixon, Ind.
Dixon, Mont.
Dovener
Dresser
Dunwell

Dwight
Ellerbe
Fassett
Field
Flack
Fletcher
Flood
Fordney
Fowler
Fuller
Gaines, W. Va.
Garber
Gardner, Mass.
Gardner, Mich.
Gilbert, Ind.
Gilbert, Ky.
Gill
Gillett, Cal.
Gillett, Mass.
Glass
Goebel
Goldfogle
Goulden
Granger
Griggs
Gronna
Gudger
Hardwick
Haskins
Hay
Hearst
Hedlin
Hermann
Hill, Miss.
Hitt
Hoar
Howard
Howell, N. J.
Howell, Utah
Huft
Hughes
Hull
Humphrey, Wash.
Hunt
Jones, Va.
Keller
Ketcham
Kitchin, Claude
Klepper
Kline
Knapp
Knopf
Lamar
Lamb
Law
Le Fevre
Legare
Lester
Lewis
Lindsay
Littauer
Little
Littlefield
Livingston
Longworth
Lorimer
Lovering
McCall
McCarthy
McCleary, Minn.
McCreary, Pa.
McDermott
McLachlan
McNary
Mahon
Marshall
Martin
Maynard
Meyer
Michalek
Miller
Mondell
Moon, Pa.
Moore
Mudd
Norris
Page
Patterson, N. C.
Patterson, S. C.
Patterson, Tenn.
Prince
Pujo
Randell, Tex.
Ransdell, La.
Reeder

Reid
Reynolds
Richardson, Ala.
Richardson, Ky.
Rives
Roberts
Robertson, La.
Robinson, Ark.
Samuel
Schneebell
Scott
Scroggy
Shartel
Slayden
Slomp
Small
Smith, Ill.
Smith, Ky.
Smith, Samuel W.
Smith, Wm. Alden
Snapp
Southall
Sparkman
Sperry
Stafford
Stanley
Stevens, Minn.
Sullivan, N. Y.
Talbot
Thomas, N. C.
Thomas, Ohio
Towne
Trimble
Tyndall
Underwood
Van Duzer
Van Winkle
Vreeland
Wachter
Wadsworth
Webb
Webber
Weeks
Weisse
Welborn
Wood, Mo.

The following additional pairs were announced:

For the balance of the day:

Mr. MCCARTHY with Mr. RHINOEK.

Mr. BROWNLOW with Mr. RICHARDSON of Alabama.

On this vote:

Mr. SHERMAN with Mr. RIXEY.

Mr. LITTAUER with Mr. UNDERWOOD.

Mr. BROOKS of Colorado with Mr. TALBOTT.

After an interval,

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. It will be necessary that this motion should be seconded by a majority of the Members present.

The question was taken.

The SPEAKER. Twelve gentlemen have seconded the motion; not in the opinion of the Chair—

Mr. WILLIAMS. Not a third.

The SPEAKER. Not a majority, in the opinion of the Chair.

Mr. WILLIAMS. Has the Chair counted us merely numerically, merely in numbers, or otherwise?

Mr. MANN. Not in this case.

The SPEAKER. On this motion, under the Constitution—

Mr. WILLIAMS. I understand.

The SPEAKER. In numbers.

Mr. WILLIAMS. I just wanted to know whether the House measured us who stood up numerically or otherwise; that is all.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Mr. BUCKMAN and Mr. RUCKER.

The SPEAKER pro tempore (Mr. OLMSTED). The gentlemen will be noted as present under the rule and discharged from arrest.

Does the gentleman from Missouri desire to vote?

Mr. RUCKER. I want to emphasize the fact that I am present.

The SPEAKER pro tempore. Does the gentleman from Minnesota desire to vote?

Mr. BUCKMAN. I vote "yea."

Mr. RUCKER. Mr. Speaker, I would like to change my vote from "present" to "yea."

The name of Mr. RUCKER was called and he voted "yea."

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Messrs. MURPHY and SULLOWAY.

The SPEAKER pro tempore. The gentlemen will be noted present under the rule and discharged from arrest. Does the gentleman from New Hampshire desire to vote?

Mr. SULLOWAY. He does.

The SPEAKER pro tempore. The Clerk will call the gentleman from New Hampshire.

The Clerk called the name of Mr. SULLOWAY, and he voted "aye."

The SPEAKER pro tempore. Does the gentleman from Missouri desire to vote?

Mr. MURPHY. I do.

The SPEAKER pro tempore. The Clerk will call the gentleman from Missouri.

The Clerk called the name of Mr. MURPHY, and he voted "aye."

Mr. RUCKER. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUCKER. A parliamentary inquiry, if it is parliamentary. I should like to know why the Sergeant-at-Arms is so diligent in the last few minutes, when he has not been pursuing this course all the time? He can take myself and one of my honored colleagues from Missouri, one of the best men in this House, and make a parade. Other gentlemen are brought in here in the usual way in which it has been done here for many years, without any criticism or any record made against them. I should like the Chair to tell me, if he knows, why the Sergeant-at-Arms is guilty of this gross abuse of his power and foul discrimination?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry. The Sergeant-at-Arms is in the discharge of his duty, so far as the Chair is able to determine. The only business in order now is to obtain a quorum.

Mr. RUCKER. With all respect to the Chair, I want to say that I think the Chair is indulging in an assumption. I think the Sergeant-at-Arms has not done his duty.

Mr. LILLEY of Pennsylvania. Would it not be well for the gentleman from Missouri to refer his complaint to the minority leader of the House?

The SPEAKER pro tempore. That is hardly in order. Nothing is in order except the ascertainment of a quorum.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Messrs. GAINES of Tennessee, WALLACE, and WILEY of Alabama.

The SPEAKER pro tempore. The gentlemen will be noted present and discharged from arrest. Does the gentleman from Tennessee [Mr. GAINES] desire to vote?

Mr. GAINES of Tennessee. I desire to vote "present."

The SPEAKER pro tempore. Does the gentleman from Alabama desire to vote?

Mr. WILEY of Alabama. I desire to vote "aye."

The SPEAKER pro tempore. Does the gentleman from Arkansas desire to vote?

Mr. WALLACE. Mr. Speaker, I left here after 6 o'clock, having voted on the roll call. I do not know whether this is a new call or not.

Mr. WILLIAMS. See if the gentleman is recorded.

The SPEAKER pro tempore. The Chair is advised that the gentleman is recorded as having voted on this call.

Mr. WILLIAMS. Mr. Speaker, it seems to me that the proceedings, as regards the gentleman from Arkansas, ought to be vacated.

Mr. RUCKER. I should like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RUCKER. Was the Sergeant-at-Arms directed by the Speaker to arrest the whole membership of the House?

The SPEAKER pro tempore. That is not a parliamentary inquiry, and the present occupant of the chair is unable to state.

Mr. RUCKER. Mr. Speaker, I should like to know if the Sergeant-at-Arms is authorized to arrest a man after he has voted on the roll call.

The SPEAKER pro tempore. That is a matter which can be attended to when the presence of a quorum has been ascertained. At the present time nothing is in order except the ascertainment of a quorum.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York will state his parliamentary inquiry.

Mr. PAYNE. Under the rule is it not in order for the Sergeant-at-Arms to bring in all absent Members, whether they have voted or not? Their duty is to stay here until the House adjourns.

The SPEAKER pro tempore. That is a matter which, it seems to the present occupant of the chair, is not debatable or to be considered until a quorum is ascertained.

Mr. GAINES of Tennessee. Mr. Speaker, I want to say that when I left here it was nearly 6 o'clock, and I left to look after a very sick brother, my own brother, who is very ill. I make no further apologies to the House or to anybody else, under these circumstances, for being absent.

Mr. Speaker, I want to make not exactly a parliamentary inquiry, but more of an omnibus inquiry. Has the Sergeant-at-Arms a right to arrest a Member after he is inside of the building—coming with his tongue out and his hat in his hand to help to make up a quorum?

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry, and it is a matter which in any event can not be disposed of until a quorum has been ascertained.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present to the bar of the House Mr. SULZER.

The SPEAKER pro tempore. The gentleman from New York will be noted as present and discharged from arrest. Does the gentleman from New York desire to vote?

Mr. SULZER. I do.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SULZER and he voted "aye," as above recorded.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to make another inquiry. Was this a requisition to arrest Democrats only? I did not see any Sergeant-at-Arms with the gentleman from Michigan who just came in.

The SPEAKER pro tempore. The Chair will say that that is hardly a parliamentary inquiry. It is proper for the Chair to say, however, that although he has not personally seen the warrant, it was not confined to one side of the House or the other, as gentlemen upon both sides of the Chamber have been brought in.

Mr. YOUNG. I want to say, for the benefit of the gentleman from Tennessee, that I merely escaped the officer.

The SPEAKER. Upon this vote the ayes are 164, the noes 1, present 27—a quorum. The doors will be opened, and the bill is passed.

LEAVE OF ABSENCE.

Mr. GARRETT asked for leave of absence indefinitely on account of sickness in his family.

Mr. PAYNE. Mr. Speaker, I move that the request be granted.

The motion was agreed to.

Mr. WILLIAMS. Mr. Speaker, during the afternoon the strict rule of the House bringing Members before the bar of the House during the call for a quorum has been, for the first time in the life of this Congress, put into operation. A great many Members of the House who have served here several terms did not understand the operation of that rule; and in consequence of their not having understood it, in consequence of its not being strictly enforced hitherto, I think it would be well that

the proceedings in bringing Members before the bar should be vacated and not appear in either the Record or the Journal.

I shall ask unanimous consent that so much of the proceedings of the afternoon as relate to bringing Members before the bar under arrest because of absence while the call of the House was being made, in order to procure a quorum, be vacated and that the Journal and the Record be silent as to those proceedings.

Mr. PAYNE. I think, Mr. Speaker, I shall have to object to that request. I move that the House do now adjourn.

Mr. RUCKER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. To make a motion.

The SPEAKER. The gentleman from New York has moved to adjourn.

Mr. WILLIAMS. Mr. Speaker, was my request put?

The SPEAKER. Before the Chair could put the question the gentleman from New York objected.

Mr. WILLIAMS. Then we shall have to vote down that motion to adjourn, in order to get the request before the House.

The question on the motion to adjourn was taken; and on a division (demanded by Mr. WILLIAMS) there were 56 ayes and 23 noes.

So the motion was agreed to.

Accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sebastian Inlet, Indian River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting supplementary estimates of appropriation required to complete the service of the fiscal year ending June 30, 1906, and for prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for printing the Official Gazette—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for subsistence of the Army—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HINSHAW, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4805) to prohibit aliens from taking or gathering sponges in the waters of the United States, reported the same with amendment, accompanied by a report (No. 4443); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, reported the same with amendment, accompanied by a report (No. 4444); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 1697) confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida, reported the same with amendment, accompanied by a report (No. 4445); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels, reported the same without amendment, accompanied by a report (No. 4446); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House joint resolution (H. J. Res. 162) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind., reported the same without amendment, accompanied by a report (No. 4447); which said joint resolution and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 9981, reported in lieu thereof a bill (H. R. 19757) to regulate the practice of dentistry or dental surgery, in the Indian Territory, reported the same accompanied by a report (No. 4448); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of a memorial monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. CHANEY: A bill (H. R. 19748) to aid in the erection of a memorial monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. HILL of Connecticut: A bill (H. R. 19749) to prescribe the duties of deputy collectors of customs—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. McLAIN: A bill (H. R. 19751) to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway across the national cemetery road at Natchez, Miss.—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 19752) amending section 10 of the act approved March 3, 1905, providing for an additional division in the seventh district of Illinois and an additional term of court at the city of Quincy—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 19753) to remove the restrictions on the alienation of lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations, Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.—to the Committee on Insular Affairs.

Also, a bill (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands—to the Committee on Insular Affairs.

Also, a bill (H. R. 19756) to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands—to the Committee on Ways and Means.

By Mr. CURTIS, from the Committee on Indian Affairs: A bill (H. R. 19757) to regulate the practice of dentistry, or dental surgery, in the Indian Territory—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolution of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19758) granting an increase of pension to Josefa Montano—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19759) granting an increase of pension to William Mueller—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 19760) granting an increase of pension to Mary B. Underwood—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 19761) to have the charge of desertion removed against Maurice Brower, as of Companies B and C, Sixty-fifth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 19762) granting an increase of pension to Clara C. Edsall—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 19763) granting an increase of pension to Joseph B. Wilson—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19764) granting a pension to James Bond—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 19765) granting a pension to David Enoch—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 19766) granting a pension to Mary A. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to William H. Loghry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19768) granting an increase of pension to Josiah Allman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19769) granting an increase of pension to Jacob Seigler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19770) granting an increase of pension to James G. Van Dewalker—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 19771) granting an increase of pension to G. H. Young—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 19772) granting a pension to Mary L. Kirlin—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19773) for the relief of Addison Hopson—to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 19774) for the relief of G. W. Morgan—to the Committee on Claims.

Also, a bill (H. R. 19775) granting an increase of pension to Greenup Meece—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19776) granting an increase of pension to Francis M. Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19777) granting an increase of pension to John Loveless—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 19778) for the relief of the Barse Live Stock Commission Company—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 19779) granting an increase of pension to Amelia D. Robertson—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 19780) granting an increase of pension to Reuben E. Osgood—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 19781) granting an increase of pension to John W. Maddux—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 19782) granting a pension to Elizabeth Sanders—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19783) for the relief of the estate of Gideon Robinson—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 19784) granting an increase of pension to Dora Raine Willcox—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 19785) granting an increase of pension to Thomas H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19786) granting an increase of pension to John Deitrick—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 19787) granting section 16, township 14 north, range 4 east, Indian meridian, Lincoln County, Oklahoma Territory, to the city of Chandler, said county, for school purposes—to the Committee on the Public Lands.

By Mr. MURDOCK: A bill (H. R. 19788) granting a pension to Jane L. German—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19789) granting a pension to Elizabeth J. Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19790) granting a pension to Nancy E. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19791) granting an increase of pension to Henry Dulin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19792) granting an increase of pension to Edward R. Halchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19793) granting an increase of pension to Morton A. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19794) granting an increase of pension to Henry C. Jewett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19795) granting an increase of pension to William S. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19796) authorizing and directing the Secretary of War to bestow a medal of honor upon Frederick Weibking—to the Committee on Military Affairs.

Also, a bill (H. R. 19797) to correct the military record of

and grant an honorable discharge to Truman Tucker—to the Committee on Military Affairs.

Also, a bill (H. R. 19798) to correct the military record of and grant an honorable discharge to Lewis Craycraft—to the Committee on Military Affairs.

By Mr. PAGE: A bill (H. R. 19799) for the relief of the estate of John Quick, deceased—to the Committee on War Claims.

By Mr. POLLARD: A bill (H. R. 19800) granting a pension to Anson Rising—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 19801) granting an increase of pension to John H. Hayes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19802) granting a pension to Mary Robinson—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 19803) granting a pension to Sanford H. Hasbrouck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19804) granting an increase of pension to Joachim Maidhof—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 19805) granting an increase of pension to Warren A. Woodson—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 19806) granting a pension to Julius C. Witherspoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19807) granting an increase of pension to John W. Marean—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19808) granting an increase of pension to Charles F. Chase—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 19809) to grant American registry to the bark Choctaw—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMS: A bill (H. R. 19810) for the relief of the heirs of Harvey Latham, deceased, and for other purposes—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 8816) granting a pension to Mary Schoske—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19655) granting an increase of pension to Benjamin F. Martz—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Warpel & Arbuckle, of Erie, Pa., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Mary A. Underwood—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of Maurice Brower—to the Committee on Military Affairs.

By Mr. BURKE of Pennsylvania: Petition of the Constitution League of the United States, against the Warner Senate amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of citizens of Skowhegan, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Delaware: Petition of Black Eagle Post, Grand Army of the Republic, Department of Kansas, favoring bill to amend, modify, and simplify the pension laws of the United States (H. R. 4495)—to the Committee on Invalid Pensions.

By Mr. DALE: Paper to accompany bill for relief of Mary L. Kirlin—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

Also, petition of the Columbia Sick Relief Society, of Davenport, Iowa, for bill H. R. 18024—to the Committee on Rivers and Harbors.

By Mr. DENBY: Petition of citizens of Detroit, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of W. S. Knox, against bill H. R. 14897, relative to maintenance of the Long Bridge over the Potomac River—to the Committee on the District of Columbia.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of tea inspectors' salaries to \$5,000 per annum—to the Committee on Ways and Means.

By Mr. FINLEY: Paper to accompany bill for relief of Amella D. Robertson—to the Committee on War Claims.

By Mr. FULLER: Petition of the Rockford (Ill.) Packing Company, for an amendment of the pure-food bill in subsection 3, section 7, of the bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Engel & Edmunds, of Ottawa, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Union League Club of New York, for removal of the duty on paintings and antique works of art—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Constitution League of the United States, against the Warner Senate amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missionary Society of the Presbyterian Church of Tarentum, Pa., for amendment to Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of M. H. Durst, of Alameda, Cal., for free duty to single-warp bagging for hop baling—to the Committee on Ways and Means.

Also, petition of C. L. Weaver et al., against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Petition of the Methodist Episcopal and Presbyterian churches of Cadott, Wis., against Sunday opening of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Angeline Whitmarsh—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Keokuk County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAFEAN: Petition of the Stateville Presbyterian Church, of Delta, Pa., for a constitutional amendment for the suppression of polygamy in the United States—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of the Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martin Ball, heir of Stephen Ball—to the Committee on War Claims.

By Mr. LLOYD: Petition of Roy Sharts & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of the Kinley Manufacturing Company, for the Senate amendment to the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Rush County, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAGE: Paper to accompany bill for relief of John Quick—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the New York Retail Grocers' Union, for an increase of salary of inspectors of teas to \$5,000—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas from Canada—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Produce Merchants' Association of Portland, Oreg., for the Bede private car line bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Associated Building Trades, for appropriate measures relative to employment on the Congressional Hall Annex on behalf of Washington stone cutters—to the Committee on Public Buildings and Grounds.

Also, petition of General William F. Barry Garrison, No. 30, Regular Army and Navy Union, United States of America, of Washington, D. C., against change of present title to "Army and Navy Union, United States of America"—to the Committee on Military Affairs.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of salaries of tea inspectors to \$5,000—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of teamsters who served in the civil war—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of citizens of Huron County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHARTON: Petition of the executive directors of the Chicago Commercial Association, for legislation favorable to promotion of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, May 29, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. DICK and Mr. PATTERSON members of the Board of Visitors on the part of the Senate to attend the next annual examination at the Naval Academy, at Annapolis, Md., as required by the act of February 14, 1879.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

The message also announced that the House had passed the bill (S. 1243) providing for compulsory education in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 1319) to prohibit the killing of wild birds and wild animals in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 584. An act for the relief of David H. Moffat;

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.;

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., praying for the enactment of legislation to provide for closing the gates of the Jamestown Exposition Grounds on Sunday; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., remonstrating against the enactment of legislation permitting the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. KEAN presented petitions of 10,983 women of the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DICK presented petitions of 22,249 women of the State of Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of